

Francis Hargrave Esq.
From the Author.

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A

E C O N D L E T T E R

ADDRESSED TO THE

CATHOLIC CLERGY of ENGLAND, &c.

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A
SECOND LETTER

Vol. c 12
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ADDRESSED TO THE
CATHOLIC CLERGY of ENGLAND

ON THE
APPOINTMENT OF BISHOPS.

IN WHICH
THE OBJECTIONS TO THE
FIRST LETTER
ARE ANSWERED.

BY JOHN THROCKMORTON, Esq.

*Prima Salus est, rectæ fidei regulam custodire, et a Constitutis
Patrum nullatenus deviare.*

Hormisdas Papa Causa 25, q. 1. Can. 9.

L O N D O N:

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THE JOURNAL OF

ADRIAN DE WIT

OF THE VOCAL COMPANY

OF THE EAST INDIES

IN THE YEAR 1682

IN THE PROVINCE OF

FLORISSANT

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P R E F A C E.

AFTER the death of the late worthy prelate, who presided over the Catholics of the London district, the clergy of that district convened, that they might deliberate on the choice of a proper successor. Their suffrages were decidedly in favour of one gentleman, and their choice was ardently approved of and supported by the laity. They did not however proceed to a formal election, but transmitted three names to the Congregation de Propaganda Fide, and contented themselves with requesting,

questing, that the person wished for by the district, might be appointed their pastor.

By pursuing this method, the clergy seemingly empowered the court of Rome to appoint either of the other two gentlemen, whose names were presented, and to set aside the object of their choice, without assigning any reason for so doing. There appeared also grounds, I thought, to apprehend, that some prejudiced persons would represent the gentleman, whose appointment was desired, in an unfavourable light to the court of Rome, and thereby prevent his nomination.—The event has proved that these apprehensions were not unfounded.

Under these circumstances, to which may be added the death of the prelate who presided over the Catholics of the Northern

district, I thought it not improper to address a short letter to the catholic clergy on the appointment of bishops. In this letter I briefly reminded them of the rules of the church, which they ought to follow in the election of their pastors.—Some answers were published, in which I was surprised to find, that the authors denied what every writer of ecclesiastical history has asserted. I have therefore, with a view to elucidate the subject, written the following letter in reply to their objections.

When I had nearly finished this letter, I submitted it to the inspection of an acquaintance, who pointed out some quotations, and suggested some reflections. These quotations and reflections I have freely adopted as my own, when I thought they gave strength or illustration to my subject.

Not

Not to overload my text with cited passages, I have thrown some into an Appendix, and have added some collateral observations.

S E C O N D

ADDRESSED TO THE

CATHOLIC CLERGY of ENGLAND.

GENTLEMEN,

A Short time since I had the honor of addressing a letter to you on the appointment of bishops, and I am happy to observe that your attention has been engaged in a manner which the importance of the subject required. Several answers have already been published to my letter. They appear not to me to convey the slightest refutation of any thing I asserted. However, as some of my opponents have made contrary assertions with a degree of confidence, which might impose on persons who want leisure or inclination to examine

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their grounds, I propose in this letter to weigh the proofs which have been advanced against my former positions.

In performing this task I shall confine myself intirely to the arguments adduced, and forbear touching upon any extraneous matter. It is a measure of public utility, which I propose to examine with cool and candid freedom. For, Gentlemen, I was sincere in my last address, particularly when I told you, that I had no other object in view than the desire of seeing our religion practised in its primitive purity, and freeing the professors of it from that odium which abuses in the discipline of the Church have drawn upon them. In the same sentiments, and in the same desire I still persist. My opponents have aimed to excite a groundless alarm. In their answers they have mingled with their arguments many things, which I am persuaded their cooler thoughts will disavow. At least it is with their arguments only I shall concern myself. Illiberal insinuations, disdainful and injurious representations of the designs, talents, arguments and characters of those whom we oppose, are modes of controversy equally abhorrent from that dignity of character which becomes a gentleman, and from that forbearance

ance of temper and charity which adorn a Christian. Such means may for a short time give support to a party, but they can never be serviceable to the cause of religion and truth.

Mr. M I L N E R.

You will recollect, Gentlemen, my assertion. I maintained that the discipline of the Church required, that the bishops should be chosen by the clergy and laity over whom they were to preside; and that the surviving bishops of the province should repair to the vacant bishopric, where they were to concur in the election, and to ordain the new bishop. This position Mr. Milner * controverts, and asserts, (p. 11.) "That there is no proof of the Church having recognised in any instance the right to an *active* voice in the people on those occasions, or of her having surrendered her original prerogative, which she has exercised at different times, by means of different ecclesiastical assemblies, of appointing her chief officers." In this sentence Mr. Milner necessarily must understand by the word Church, an assembly of faithful, from which the people are excluded,

* The Clergyman's Answer to the Layman's Letter on the Appointment of Bishops, by the Rev. John Milner, F. A. S.

a meaning as extraordinary as the appellation of chief *officers*, which he gives to the ministers of the gospel. Such was not the language of St. Paul, when he spoke of the bishops and priests of the Church: the idea of a Church without people was unknown to him. Mr. Milner, however goes further, he says that the clergy, as well as the people, are excluded from an active voice in the appointment of bishops; yet that they are appointed by the Church: his Church, therefore, is without clergy and people. But let us examine the grounds on which he has made this assertion.

To overturn the strong proofs which I produced from St. Cyprian, he asserts that he only requires the *presence* of the people, not that they should take any part in the election; but if it be granted, that the people are to assemble for the election of a bishop, and to give their suffrages in conjunction with the clergy, which Mr. Milner (p. 9.) acknowledges St. Cyprian requires, I know not what he can mean, when he says (p. 8.) "that the authorities I have quoted shew that the people, and even the clergy of the diocese, had no right to an active voice in the election of bishops." He says, "this would have been plain if I had given the sub-

"sequent

"sequent words of St. Cyrian, Ep. 68, where
 "he distinguishes between the *suffrages of the*
"people, and the judgment of the bishops."

The letter which Mr. Milner and I have
 quoted, is that which St. Cyprian, in conjunc-
 tion with the bishops assembled at Carthage,
 wrote, concerning the appointment of a suc-
 cessor to Basilides, bishop of Leon. After
 noticing the manner in which a bishop should
 be appointed, they apply the rules they have
 mentioned, to the appointment of Sabinus,
 and finding it conformable to them, they
 approve of it in these words: "Quod et
 "apud vos factum videmus in Sabini collegæ
 "nostri ordinatione, ut de universæ fraterni-
 "tatis suffragio, et de episcoporum, qui in
 "præsentia convenerant, quique de eo ad vos
 "litteras fecerant, judicio, episcopatus ei de-
 "ferretur," &c. If Mr. Milner concludes
 from these words, that besides the election of
 the people, the judgment and confirmation of
 the bishops were requisite to a valid ordina-
 tion, I perfectly agree with him; but he will
 find nothing in my former letter which con-
 tradicts this assertion. If, on the contrary,
 he infers "that the people had no right to an
 "active voice in the election of bishops,"
 no such conclusion can be drawn from the
 words

words of the letter. That such was not the meaning of the fathers of the council of Carthage, is evident from a prior passage in the same letter, where the *judgment*, as well as the *suffrages* of all is required. "Coram omni
 "synagoga jubet Deus constitui sacerdotem,
 "id est, instruit et ostendit ordinationes sacer-
 "dotales non nisi sub populi assistentis con-
 "scientia fieri oportere, ut plebe presente,
 "vel detegantur malorum crimina, vel bo-
 "norum merita prædicentur, et sit ordinatio
 "justa et legitima, quæ omnium *suffragio et*
 "*judicio* fuerit examinata." *

Mr. Milner is not more fortunate in his assertion, (p. 9.) that the fourth canon of the first council of Nice is "expressly against
 "me." This he attempts to prove by a quotation from the third canon of the second council of Nice. Had he, however, read the whole of the last mentioned canon, he would have perceived that it was enacted to prevent the appointment of bishops being made by the magistrates. The words are, "Omnem electi-
 "onem, quæ fit a magistratibus episcopi, vel
 "presbyteri, vel diaconi, irritam manere, ex
 "canon: 3 Apost: dicente, si quis episcopus
 "sæcularibus magistratibus usus, per eos eccle-

* See Appendix, No. I.

"fiam

“ siam obtinuerit, deponatur,” &c. The canon then enacts that the bishops shall be appointed in the manner defined in the fourth canon of the first council of Nice, “ qui dicit
 “ episcopum oportet maximè quidem ab omnibus qui sunt in provincia constitui,” &c. In this I see no exclusion of a regular election by the concurrence of clergy and laity. *

Mr. Milner is not the first who has interpreted the canon of the council of Nice to be an abrogation of the right of election in the people. Theodorus Balsamon, who asserted the same thing, is ably refuted by Cabassuthius. Not. Eccl. p. 109. As it will not be denied that the fathers of the first council of Nice were as competent judges of their own meaning as were those of the second, I will answer Mr. Milner in the words of the author just quoted. “ Pro certo Græculus
 “ ille Balsamon minimè legerat, Nicænorum
 “ patrum synodicam epistolam ad ecclesias
 “ Ægypti, Libyæ, et Pentapolis, quæ integra
 “ habetur apud Socratem, Theodoretum, et
 “ Gelazium Cyzicenum, quæ disertè exigit
 “ plebis ipsius in novi episcopi creatione consensum, sic decernens: *Quod si quis fortè
 “ eorum qui ecclesiæ funguntur muneribus, diem*

* See Appendix, No. II.

*" suum obierit, tum unus ex illis, qui nuper in
 " ecclesiam asciti sunt, modo idoneus videatur, et
 " populus illum eligat, episcopusque Alexandriae et
 " suffragetur et consentiat, in locum demortui
 " succedat."* This authority, and that of the
 fathers of the council of Carthage, clearly
 establish the right in the people to an active
 voice in the election of a bishop.

Mr. Milner next refers us (p. 10.) to the
 councils of Laodicea, of Carthage, and of
 Antioch, to prove the truth of his assertion.
 Unfortunately however for him, there is no-
 thing in any of the canons he refers to which
 can give him the smallest support. The six-
 teenth canon of the council of Antioch, which
 relates to bishops, who were not able to take
 possession of the sees to which they were
 ordained, requires the consent of the provin-
 cial synod, after the election has been made
 by the people. The words are, "*Si quis
 " episcopus vacans, in ecclesiam vacantem
 " profiliat, sedemque pervadat, absque integro
 " perfectoque concilio; hic abjiciatur necesse
 " est, etsi cunctus populus, quem diripuit, eum
 " habere delegerit. Perfectum vero concilium
 " illud est ubi interfuerit metropolitanus An-
 " tistes."* So far from this canon abrogating
 the right of election in the people, it supposes
 it,

it, and only declares that it is not sufficient without the confirmation of the provincial synod. The 12th canon of the second council of Carthage prohibits the bishops of the province from ordaining the new bishop, without the consent of the metropolitan, but it says not a word concerning the mode of election. Nor is the 13th canon of the council of Laodicea more to his purpose; it relates only to those who are to be promoted to the priesthood, not to bishops*.

The presbyters and other clergy were often designed by the people, but their recommendation is thought, by some writers, to have been, in these instances, only by way of testimony or supplication. It supposed no right, it imposed no obligation. But in the election of bishops the suffrages of the people were truly judicial. It was ever deemed a gross violation of canonical discipline and christian liberty, to attempt to force a bishop upon a diocese, without the concurrence of both people and clergy. If in some instances the forms and mode of proceeding seem to have been inverted, and a bishop has been appointed to a see by the metropolitan and provincial bi-

* Cabassuthius *Notitia Ecclesiastica*, p. 153.

shops, without the previous concurrence of clergy and people, this has been in cases of necessity, owing to particular circumstances; but even in these cases, the posterior consent of clergy and people was always looked upon as indispensable. They could refuse a bishop thus appointed.

That the councils above-mentioned did not deprive the people of the right of concurring in the election of bishops, appears from their having afterwards enjoyed this right, both in the Greek and Latin churches. St. Gregory Naziapzen, writing to Cefarea concerning the election of St. Basil, says, "*Ista et sacerdotibus scribo, et monachis, atque illis quoque, qui ex ordine sunt magistratus ac senatorio, simulque et populo omni.*"—In the council of Chalcedon, Stephen bishop of Ephesus, to prove his ordination to have been canonical, says, "*Me quadraginta episcopi Asiani, suffragio clarissimorum et primatum, et totius reverendissimi cleri, et omnis civitatis ordinauerunt.*" His competitor Bassianus founded his claim on the same plea, viz. that he had been elected by the people, clergy, and bishops. The council annulled both their appointments, and declared that person should be consecrated bishop of Ephesus, who should
be

be chosen by the unanimous suffrages of the flock, "ab omnibus qui pascendi sunt eligendus."

The transaction mentioned of the election of Euphronius to the see of Nicopolis, and the subsequent letter of St. Basil, are not fairly represented. The city of Nicopolis was in great confusion, and the church abandoned, because Fronto had been made bishop of it by the Arians, with whom he had joined in communion. Pæmenius, bishop of Satala, repaired thither, and proposed that Euphronius, then bishop of Colonia, but a native of Nicopolis, and well known there, should be translated to that see. This was universally agreed to, and he was accordingly chosen. Soon after this the clergy of that city wrote to St. Basil, and informed him of what they had done. In answer to them he approves of the election of Euphronius in these words: "Cum
 "autem spirituales viri conciliorum auctores
 "sunt, eosque sequitur plebs domini concordi
 "sententia, quis dubitavit, quin communica-
 "tione domini nostri Jesu Christi, qui suum
 "sanguinem pro ecclesiis effudit, consilium
 "captum sit? Unde et ipsi existimastis reli-
 "giosissimum fratrem nostrum et comminif-
 "trum Pæminium divinitus fuisse permotum,

“qui et adfuit vobis opportuné et hanc confolationi rationem invenit *.”

I do not find that any part of this transaction justifies Mr. Milner in asserting, that it proves a right in the bishops to chuse the pastor of any church, and that an obligation was imposed on the people to submit to their choice. The passage I have quoted shows that the consent of the clergy was given to the election of Euphronius, nor does the letter he quotes prove the contrary. It was written to the magistrates of Nicopolis after the bishops had approved of the translation of Euphronius; in it St. Basil exhorts them to adhere to the new bishop, and to persevere in their rejection of Fronto, who, by a catholic profession of faith, had induced some to adhere to him. The words on which Mr. Milner founds his assertion are these: “*Ecclesiasticæ æconomix ab iis quidem sunt, quibus ecclesiarum commissa sunt gubernacula, sed à plebe confirmatur. Quare quod penes religiosissimos episcopos erat, impletum est; quod autem reliquum est, ad vos spectat, si velitis promoto animo complecti datum vobis episcopum, et tentationes externas strenuè repellere.*—Quo ergo in bonum estis animo, date

* Ep. 229. Benedictine Edition.

“operam,

"operam, ut eodem civitas animetur; et tum
 "populos, tum omnes rure degentes, ut par
 "est, alloquimini," &c.*

It appears then that Euphronius was proposed to the clergy of Nicopolis by Pæmenius, and that they unanimously approved of him. As he was already bishop of Colonia, his translation was contrary to the canons; but the peculiar situation of the church of Nicopolis was an inducement to St. Basil and the other bishops to approve of it. This approbation was not however thought sufficient, till the magistrates and people had given their express consent to receive Euphronius for their bishop: had they refused, he had never obtained possession of the see of Nicopolis. With whomsoever the proposal or nomination of the new bishop originates, the laws of the church require the express consent of clergy and laity. This law was not violated in the present instance. The clergy gave their consent to the proposal made by Pæmenius, and the letter of St. Basil to the magistrates was written to obtain that of the laity †.

Mr. Mil-

* Ep. 230. Ben. Ed.—Alibi 194.

† Mr. Milner refers us for a confirmation of his account of the election of Euphronius to Eusebius, l. 4. c. 19.

Mr. Milner next asserts (p. 11.) "that the
 " Gallican prelates, at the period I have men-
 " tioned, considered the choice of the people
 " rather as a matter of favor than of right."
 To prove this he quotes a threat contained in
 a letter of Hincmar, archbishop of Rheims,
 related by Fleury *;—but that no stress can be
 laid on this is evident from the subsequent
 page, where the people are told that if they
 make an improper choice the emperor may,
 without violation of the canons, give the
 bishopric to whatever ecclesiastic he pleases.
 It is clear that two such contradictory threats
 are not to be understood literally.

He proceeds, "in conformity with this
 " claim, I find in the council of Fismes, held
 " at the same time, the election of a bishop
 " of Beauvais annulled, though made by
 " the joint concurrence of the clergy, people,
 " and prince." In producing this instance
 in favor of his assertion, Mr. Milner has
 placed great confidence in the ignorance of

It may seem surprising that not a word of that transaction
 is to be found in the place above quoted, nor in the pre-
 ceding nor subsequent chapters.

* That if they make an improper choice, the bishops
 will elect a person who will not indulge their irregular de-
 sires.

his

his readers, as will appear by a statement of that transaction.

Odo, bishop of Beauvais, being dead in 881, a decree of election was presented to the council of Fismes in favor of Odacer, who had obtained it by the influence of the court, but by the council was judged unworthy, and he was accordingly refused. This refusal gave great offence to the king. He wrote to Hincmar, who had presided in the council, expostulated with him on the refusal, and requested that he would not oppose his desire of giving the bishopric of Beauvais to Odacer. The answer of Hincmar contains the justification of the council. He says, "In the letter written by the council there is no violation of the respect which is due to you, nor any thing against the welfare of the state; it only expressed a desire to retain to the metropolitan and the bishops of the province, *the right of examining and confirming the elections according to the canons.*" After urging several motives to induce the king to accede to his request, he adds, "Permit then the bishops to assemble in council, that with your consent they may proceed to a regular election, *in conjunction with the clergy and people of Beauvais.*" Hincmar not having received

received a favorable answer, assembled his bishops in council, and condemned Odacer for having seized on the bishopric by means of the secular power; "and we know," add the bishops, "that to obtain it, he has given money and other things by the hands of persons not unknown to us." How far this instance proves the truth of Mr. Milner's assertion, I now leave to your judgment to determine. *

Many more proofs might be adduced, that in the Gallican Church the bishops were elected by the clergy and people, and that this privilege of election belonged to them by right, and was not considered by the bishops as a *matter of favor*. The council of Orleans, held in 549, has the following decree: "Ut nulli episcopatum præmiis aut comparatione liceat adipisci, sed cum voluntate regis, juxta electionem cleri ac plebis, sicut in antiquis canonibus tenetur scriptum, a metropolitano, vel quem in vice sua præmiserit cum provincialibus consecratur." The following is an extract from an ordinance of Clotaire II. in the year 615—"Ideoque definitionis nostræ est ut canonum statuta in omnibus conserventur, et quod per tempora ex hoc præter missum est,

* Fleury. L. 53. N. 30, 31, 32, 33.

"vel

“vel dehinc perpetualiter observetur. Ita ut
 “episcopo decedente, in loco ipsius qui a
 “metropolitano ordinari debet cum provin-
 “cialibus, a clero et populo eligatur, et si
 “persona condigna fuerit, per ordinationem
 “principis ordinetur: vel certé si de palatio
 “eligitur, per meritum personæ et doctrinæ
 “ordinetur. Ut nullus episcoporum se vivente
 “eligat successorem,” &c.

A few years after, the council of Rheims enacted the following canon; “Ut decedente
 “episcopo, in locum ejus non alius subro-
 “getur, nisi loci illius indigena, quem *univer-*
 “*sale et totius populi eligerit votum*, ac pro-
 “vincialium voluntas assenserit Aliter qui
 “præsumpserit, abjiciatur a sede, quam invasit
 “potius, quam accepit; ordinatores autem
 “triennio ab officio cessare decernimus.”

The next proof adduced by Mr. Milner of his position, is from St. Paul's epistle to Titus, where he commissions him to ordain priests in every city of Crete, in the manner in which he had instructed him. But in this I see no exclusion of an election by the congregation. What the particular mode of appointing bishops was, which St. Paul instructed his disciples to follow, appears from his first epistle to Timothy, where, after

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enumerating the different qualities requisite in a bishop, he adds, "moreover, he must have "a good report of them that are without." The only ordinations, of which we have any detail in the scriptures, are those of St. Matthias and of the deacons; both of these were made by elections, in which the people had an active voice. The apostles, in appointing bishops, were directed by a divine inspiration, or the grace of discerning spirits; yet St. Clement assures us, that these appointments were not made without the consent and approbation of the whole Church they were to govern. *

In his eagerness to deprive the people of a right to concur in the election of bishops, Mr. Milner would have us believe that they were frequently appointed by their predecessors. As an instance of this, he mentions the ordination of St. Augustin, although he is obliged to acknowledge at the same time that it was uncanonical. If, however, the example of this illustrious bishop is adduced by him, to prove the exclusion of the people, nothing could be less to his purpose. This will appear from the account of his ordination. Valerius, bishop of Hippo, to which

* Clem. Rom. Ep. p. 57.

Church St. Augustin belonged, was very desirous, as well as the body of the faithful, that he should succeed him in the bishopric, and observing the great reputation he enjoyed, he feared that some other city of more consequence might obtain him. He accordingly wrote to the bishop of Carthage, to propose that Augustin might be ordained bishop, rather as his coadjutor than as his successor. Having obtained a favorable answer, he applied to Megalius, primate of Numidia, who came to visit the Church of Hippo. Valerius took this opportunity to propose his desire of having Augustin ordained, *to the bishops, who were then present, to the clergy, and to the people of Hippo.* All expressed their approbation of the measure, and the people in particular, who were much attached to Augustin, desired that he might be immediately ordained: “Quod quidem (episcopum fieri) qui tanta ejus (Valerii) charitate, *tantoque populi studio,* dominum id velle credidi, nonnullis jam exemplis præcedentibus, quibus mihi omnis excusatio clauderetur, vehementer timui excusare.”*

* Ep. 34. “Valerius Antistes Episcopis qui tunc aderant, et clericis omnibus Hipponensibus et universæ plebi inopinatam cunctis suam insinuat tunc voluntatem: omnibusque audientibus et gratulantibus, atque id fieri perficique ingenti desiderio clamantibus,” &c. Possid. Vit. Aug. c. 8.

The only opposition which was made, was by Megalius, who produced an accusation against the character of Augustin; but although he was primate, and it was his office to ordain the new bishop, his accusation was openly discussed in the assembly, and being proved to be groundless, he proceeded in the ordination.*

St. Augustin's nomination of Eraclius to be his successor, was made with the concurrence of the people, who testified their positive approbation of the person proposed to them. On this occasion, St. Augustin in his address to the people, mentions that he was lately come from the Church of Milevis, which had been thrown into confusion after the death of Severus; because, in proposing his successor, he had had thought it sufficient to consult the clergy, but neglected to advise with the people. This conduct had caused great discontent, but by the grace of God, adds he, all is now appeased.† After the people and clergy had approved of the nomination of Eraclius, he said to them, "it is sufficient that my will and yours be the same." He then informed them, that it was

* Fleury B. 20. from Possidius, &c.

† "Quia Frater Sererus credidit posse sufficere, ut
"successorem suum apud clericos designaret, ad populum
"inde non est locutus; et erat inde aliquorum nonnulla
"tristitia,

not his intention to ordain Eraclius bishop, as he had been during the life of Valerius, in which circumstance and in no other was his ordination uncanonical. "Adhuc in corpore posito beatæ memoriæ patre et episcopo meo sene Valerio, episcopus ordinatus sum, et fedi cum illo; quod concilio Niceno prohibitum esse nesciebam, nec ipse sciebat. Quod ergo reprehensum est in me, nolo reprehendi in filio meo. *

To prove the right of the Pope to interfere in the elections of bishops, Mr. Milner adduces *the well known instance of St. Peter Chrysologus*; but this well known instance is founded on no good authority; it is a legendary tale. If it proves any thing, it proves the truth of my former position. The election was made by the clergy and people, and was only set aside on a supposed miracle having happened. Whenever Mr. Milner will produce a vision or a miracle, I am convinced that the clergy and people will resign the object of their choice; till then, let them enjoy their right of election †.

To the numerous proofs I have given of the practice of the Church in the purer ages,

* Ep. 110.

† See Appendix, No. III.

in the appointment of bishops, I will add the following from St. Leo, Ep. 84. ad Anastas:

“Cum ergo de summi sacerdotis electione
 “tractabitur, ille omnibus præponatur, quem
 “cleri plebisque consensus concorditer postu-
 “larit: ita ut si in aliam forte personam par-
 “tium se vota diviserint, metropolitani judicio
 “is alteri præferatur, qui majoribus et studiis
 “juvatur et meritis, tantum ut nullus invitis,
 “et non petentibus ordinetur; ne civitas epif-
 “copum non optatum, aut contemnat aut o-
 “derit, et fiat minus religiosa quam convenit,
 “cui non licuit habere quem voluit.”—“When
 “there shall be an election of a bishop, let
 “him be preferred who has the unanimous
 “consent of the clergy and people; so that
 “if the votes be divided, and part be given
 “for another person, let him by the judgment
 “of the metropolitan be preferred, whose
 “merits are greatest, and whose suffrages are
 “most numerous; only let none be ordained
 “against their wills, or without their desire,
 “lest the people should condemn or hate a
 “bishop whom they never desired, and become
 “less religious than they ought to be, because
 “they could not have that person for bishop
 “whom they wished.”

Pope Zozimus condemned Lazarus and Heros for having usurped two bishoprics in opposition

opposition to the clergy and people. "Plebe Cleroque contradicente, ignotos alienigenos, intra Gallias sacerdotia usurpasse" Ep. 3.

—What the opinion of St. Leo would have been on the mode frequently practised in the appointment of bishops in this country, without consulting the clergy and laity, and sometimes in opposition to their declared sentiments, will appear from what he says, Ep. 106.

—"Expectarentur certé vota civium, testimonia populorum, quæreretur honoratorum arbitrium; electio clericorum, quæ in sacerdotum solent ordinationibus, ab iis qui norunt patrum regulas, custodiri."

I have now, Gentlemen, examined the instances produced by Mr. Milner to prove, "that the people, and even the clergy of the diocese, had no right to an active voice in the election of bishops." I shall forbear all reflections, and leave to your judgment to determine how far they contribute to establish his proposition *.

I will next briefly examine the objections

* I have taken no notice of any instance where the secular government of the country interfered, my object being only to shew what were the rules, and what the conduct of the church, when placed in a situation similar to ours, without any influence, or any control from the civil power.

he has made to my proposal, of modelling our church in this country according to the rules of catholic discipline. He says, (p. 7.) that it will not be sufficient to elect four bishops, but that according to the constitution of our church there are two archbishoprics, and above twenty bishoprics in England and Wales.—It is true, that above two centuries past, when the body of the people were catholic, there were so many catholic bishops; but why the same number should now be kept up, appears to me difficult to explain. This country had been converted to Christianity before the time of St. Augustin, and had consequently been divided into as many bishoprics as were then thought convenient. But when that apostle came to revive the Christian religion in this country, he did not think it necessary to appoint bishops to all those sees, or even to inquire where they were situated. He contented himself with ordaining a sufficient number for the faithful, who were converted by his means, and their number was afterwards increased, as it was thought expedient. Why should we not follow this example, and content ourselves with four bishops, till we find a want of more?

I cannot

I cannot find more weight in the objection made (p. 13.) to the people having a voice in the election of bishops, on account of the tumult attending contested county elections.

If indeed our bishops, like those of the established church, were entitled to a seat in the upper house of Parliament, and possessed the emoluments which the legislative power of this country thinks proper to bestow on them, some apprehensions might be entertained on that account. For this reason, as long as the established church remains in its present state, peace and good order may require that the bishops should be named by the executive power. But our bishops are in a very different situation; they have no temporal advantages to expect: additional labour in the vineyard of the Lord is all they must look for. The only recompence they can receive in this world for the additional burthen imposed upon them, is the knowledge that they have undertaken it at the desire, and with the confidence of their flocks; and therefore, *they have a good report of them that are without.* Of this encouraging gratification Mr. Milner is anxious to deprive them. He adds indeed, "that in the appointment of pastors the inclination of the flock should be consulted as much as possible;"

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"possible;" but in the present mode of appointing our pastors, which he labours so much to defend, are they in the least consulted? He will not say they are. Besides, the question is not what Mr. Milner or I may think expedient, but what the laws of the church require on the subject.

"The church, it is true, (p. 13.) is competent to abrogate and alter her own laws according to the exigencies of the times." But when were the laws, which I have mentioned, abrogated? This Mr. Milner should have pointed out. The only alteration he has mentioned is in Sess. 24. c. 1. of the council of Trent; but that council made no alteration in the election of bishops; it only gave to the Pope the right of confirming them. Besides, it is well known that the canons of that council respecting discipline were never received in this country, nor is our conduct at all regulated by them.

The principal reasons adduced by Mr. Milner for continuing our present church-government, are contained in pages 15 and 16: these I shall briefly review. He says, that "we are in extraordinary circumstances, we are no national church, we have lost our hierarchy, we are only a handful of catholics, saved from

“from the deluge of heresy by the immediate interposition of the Apostolic See, as three times before the inhabitants of this island had been rescued from the same, or a similar calamity, by timely assistance from the same quarter.” All this may be true; but if our circumstances prevent our complying with the laws of the church, ought we not, as soon as possible, to extricate ourselves from our perplexity? Nothing prevents our doing it, but an undue dependance on the Court of Rome. If we have lost our hierarchy, which I have always understood to be of divine appointment, it will be culpable in us, if we do not exert our endeavours to restore it. Three times, he says, has this island been converted to Christianity and catholicity; yet it never was done by means of vicars apostolic with delegated powers from the Court of Rome. It is wonderful that he should be so anxious to preserve our present mode of apostleship, when the old one, by his own confession, had been found so efficacious. The new one, which Mr. Milner preconises so much, has not been so successful.

But he adds, “the state of things must remain in the same situation in which they are, while our numbers are so contemptible,

“while we are under proscription, and the most trifling ecclesiastical establishment on our part is cautiously guarded against.” Had such been the sentiments of the apostles, had they waited till the civil power afforded them an establishment, before they had appointed regular bishops in the church, we might at this day have remained in the shades of idolatry. Are we less numerous, less respectable, less opulent, than were the Christians at Rome, when St. Peter fixed his See in that city? What establishment had the church for the space of three hundred years, which we have not? Can no portion of Christ’s church flourish without the fostering protection of a civil establishment? Yet *his kingdom was not of this world*. In many respects the English Catholics are in a situation not unlike that of the primitive Christians. Why then should they not be governed by their rules and practice?

But (p. 16.) “Our poverty or our want of zeal is such, that there is not the most distant hope of our being able to replace the bounty of his holiness, should we force him to withdraw it. Have you friends, Sir, ready to provide a foundation equivalent to that which we have for two hundred years enjoyed? I can safely answer in the negative”

“give”

"tive." Much as Mr. Milner deals in assertion, I confess this paragraph struck me with astonishment. He is, it seems, well acquainted with the measures the Court of Rome will follow, and with the extent of the zeal and opulence of the Catholics of this kingdom. Of the last he entertains a very mean idea; this however does not surprise me, when I find that amongst the many services he is ready to undertake, in his zeal for the interests of his *friend the Pope*, (p. 21) he appears totally to forget the defence of his character. Accordingly, he scruples not to insinuate, that if we presume to model our church according to the rules of apostolic discipline, the first pastor of our church will withdraw the contribution, given by his predecessors, for the education of some of our clergy. Mr. Milner has uniformly represented me as hostile to the Holy See, and my letter to you as schismatical; yet I defy him to point out in it a proposition so injurious to the first Christian Bishop, as that which I have just quoted. That the aspersion is however groundless, will appear from this circumstance: nothing has been enforced by me respecting the election of bishops, which is not with equal or greater stress enforced by Cabassuthius; yet he delivered these sentiments when
professor

professor of the canon law in the territories of the Pope. If there be that venom of schism, which Mr. Milner thinks he perceives in my letter, how came it that this author should enjoy emoluments from the Holy See? The truth is, Gentlemen, the venom exists nowhere, but in the heated imaginations of my over-zealous opponents.

The assertion, that we should not if necessary "provide a foundation equivalent to that which has been enjoyed," is equally unjust, and contradicted by experience. The assistance and contributions of English Catholics have seldom been refused, when any charitable purpose solicited them. You must recollect, Gentlemen, though he probably does not, that the house in which Mr. Milner received his education was rebuilt, a few years since, with a considerable degree of magnificence, by the voluntary contributions of English Catholics. I need not recall to your minds the numerous places of worship, which have been built within these few years by the same means, whenever the congregations immediately to be benefited were too poor to erect them at their own expence*. In all

* The only instance I can recollect of any charitable proposal being made, which did not receive the assistance
of

these instances I can with pleasure say, that my relations and "friends" never withheld their contributions. Though I may not perhaps "spurn at the main resource of religion" mentioned by Mr. Milner, I must spurn at the injurious aspersions he so unguardedly casts on the body of English Catholics."

Let Mr. Milner turn an eye back on the state of Catholics since the Reformation, or attend to their actual condition. Where will he discover grounds of reproach for want of charitable exertions? The Bull of Pius V. and the seditious doctrines of some Ultra-montane Divines provoked Elizabeth to enact her rigorous statutes; and considering the difficulties and oppression, under which Catholics

of the Catholic body, was that, which, in conjunction with some of my friends, I made a few years past, of establishing a place of education in this country. In the opposition made to this proposal, I can however discover no "want of zeal;" on the contrary, it proceeded from a misguided zeal, founded in mistake, and fomented by motives of local interest. It was feared that an education in this country, would, to parents, appear preferable to that which we are now compelled to seek abroad. That we are under the necessity of going to a foreign country to receive our education, is amongst the foremost of our *stated grievances*: yet when a remedy is offered, it is rejected. This is not consistent.

have

have since laboured in England, it is astonishing, that any of the ancient families should have persevered in the faith of their ancestors. Many, however, though abhorring the extravagant claims of the Roman court, have conscientiously adhered to the communion of the See of Rome, as the first of Christian bishoprics. And have these been destitute of zeal and charity? Where, but in their houses, have the Catholics uniformly found a sanctuary, a place of worship, a minister to dispense to them the word and the mysteries of God? Commerce has multiplied the Catholics in trading and manufacturing towns; but at a distance from those places, what but the charity and voluntary munificence of the ancient and opulent families even now supports their numerous congregations?

Mr. Milner appears much displeased at my assertion, that titular bishops have not the power of the keys; to prove which he says, (p. 6.) that "I fraudulently cite the council of Trent, whereas neither that council, nor Pallavicino, mention the power of the keys." Had he taken the trouble to look into Pallavicino, in the places I have quoted, he would have found the repeated demands of many of the fathers of the council, for the total abolition

abolition of titular bishops, and the opposition made to these demands by the court of Rome.* Nor do I "fraudulently cite the council of Trent" in support of my assertion. By it all bishops are forbidden to exercise any episcopal function in the diocese of another: it is evident that titular bishops have no diocese, in which they can exercise their functions. They are literally, *clero carentes et populo Christiano*. By the canon I quoted in my former letter, titular bishops are prohibited from conferring orders on any person, without a special commission from the bishop of the diocese. They are therefore bishops, excluded from the exercise of any episcopal function, which I apprehend is "being bishops, without the power of the keys." Nor is the example of our vicars apostolic any

* I cannot forbear quoting from Pallavicino, L. 20. c. 16. part of the speech of the Cardinal of Lorraine concerning titular bishops. "I vescovi titolari guirare, si come gli alteri, nella consecrazione, che anderanno a predicare al popolo lor commesso: nel che mentivano allo Spirito Santo: percioche haveano contrario proponimento. O essi non doverli ordinare, o doverli mandare alle loro diocesi, bench' elle siano in mano di Principi infedeli, convenendo a vescovi essere-apparechiati a sopportare il martirio per le lor pecorelle, come haveano fatto quei de tempi vicini a Christo, Pertanto si togliessero queste larve dalla Chiesa di Dio."

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contra-

contradiction to this assertion, since they derive their authority, not from their episcopal ordination, but from their appointment as vicars; till such special commission is given to them, they cannot exercise any episcopal function.

To explain the nature of the authority, which the vicars apostolic have in this country, this author says, (p. 18.) "That they have the same kind of extraordinary jurisdiction, that St. Augustin had, and that he was a titular bishop in the same sense as the bishops of Comana or Cæsarea." How far this is true, may be easily seen by stating their respective situations. St. Augustin was ordained bishop of the English, to whom he preached the gospel.—Titular bishops are ordained for a place, which they do not mean to visit, and of a people to whom they do not mean to preach the gospel. St. Augustin by his ordination was empowered to exercise all the functions of his episcopal character.—Titular bishops, notwithstanding their ordination, are prohibited from exercising any function of their episcopal character. St. Augustin, after converting people to Christianity, ordained priests where they were wanted, and in conjunction with the required number of bishops, ordained
other

other bishops where they were necessary.—Titular bishops are prohibited from conferring any orders; they cannot even ordain a deacon. The powers with which St. Augustin was invested, were not revocable by any person, and could not be forfeited, unless he incurred the sentence of degradation by a canonical fault.—Titular bishops, though vicars apostolic, have no power which is not revocable at the will and pleasure of the person who appointed them, though no fault should have been committed by them.—The similitude of their situations is doubtless remarkable!

Upon a review of what I have written concerning the Oath taken by bishops at their consecration, I see nothing which I have advanced improperly, nor any thing which Mr. Milner opposes with success. Whether he or I have, "by malicious glosses, and forced constructions," put a meaning on the Oath which is foreign to it, must be left to the judgment of our readers. He says (p. 19.) if the meaning of it be such as I have represented, "it is extraordinary that his Holiness should never once, in his most pressing exigences, have called for the powerful assistance of so many of his sworn subjects." Had Mr. Milner recollected what he must have read in the his-

tory of his own country, he never would have hazarded such a proposition. The truth is, the Popes often have applied to these their subjects in their exigences. In the reign of Henry the 3d, few years elapsed without some tax being levied on the bishops of this kingdom, for the use of, and by the authority of the Pope. In 1246, Innocent the 4th ordered the bishops of Winchester and Norwich, and some others, to levy for his use 6000 marks, from the incomes of the English bishops. Finding them tardy in remitting the money, he wrote to the two above-mentioned bishops a letter, in which he says, "Fraterni-
 "tatem vestram de qua fiduciam gerimus spe-
 "cialem, monemus attenté, ac per apostolica
 "vobis scripta firmiter præcipiendo manda-
 "mus, quatenus episcopos memoratos, qui
 "præsentes fuerint in partibus Anglicanis,
 "receptis istis literis, admonentes et eisdem
 "autoritate nostra mandantes, ut vicesimo die
 "post susceptionem præsentium, in certo loco,
 "quem vos duxeritis eligendum, vobiscum
 "pro divisione convenient præliberata, et cum
 "illis episcopis quos eodem die ibidem conti-
 "gerit convenire, distributionem hujus-modi
 "priusquam ab illo loco recesseritis, facere
 "procuretis. Si vero ipsis aut nullo conve-
 "nientibus

"nientibus eorundem, non fuerit super nego-
 "tio prænominato processum, ex tunc infra
 "unius mensis spatium præscriptam subsidii
 "quantitatem, faciatis vobis vel nunciis ve-
 "stris, ad opus Apostolicæ sedis in loco quem
 "elegeritis, assignari," &c. The bishop of
 Norwich, who collected the tax, and circulated
 this mandate of the Pope, then proceeds;
 "Hujus igitur autoritate mandati, vestram
 "in domino monemus et exhortamur frater-
 "nitatem, vobis, *in virtute obedientiæ, qua sedi*
 "*Apostolicæ tenemini*, firmiter injungentes, qua-
 "tenus de portione præfati Domini Papæ
 "subsidii vobis assignata, nunciis nostris li-
 "teras vestras patentes super solutione ejus-
 "dem deferentibus apud novum templum
 "Londini, a die Paschæ in tres septimanas
 "satisfaciatis, talem in facto præfenti adhi-
 "bentes diligentiam, ut devotionem vestram
 "summo Pontifici merito debeamus com-
 "mendare." *

In the same year the Pope issued orders to
 bishops, and other dignitaries of the Church
 of England, to raise men and arms, which
 were to be sent to him. †

* Matth. Paris. p. 707, anno 1246.

† Ibid. p. 701.

Another

Another strong instance of the Pope having called for the assistance of his sworn vassals, occurs in Raynaldus sub anno 1229, No. 35. Gregory the IX. during his war with Frederic, applied for assistance, not only to the temporal powers, but to the bishops, who, he asserted, were bound by their oath to assist him with men and money. My readers will I hope, pardon my transcribing the whole passage: it is of importance, and evidently demonstrates the meaning this Pope affixed to the oath of consecration, which is now pretended to convey only a spiritual and canonical obedience. "Præterea ad retinendum
 "imminentem hostem non ex Italia atque
 "Hispania modo, verum ex Germania, Galliis,
 "Anglia, aliisque provinciis auxilia exscivit.
 "Namque in Germania Albertum Ducem
 "Austriæ adversus Fredericum sollicitavit:
 "coegit in Anglia, Hibernia et Wallia ad
 "sustinendos belli sumptus pecuniarum sub-
 "sidia Stephanus Apostolicæ sedis nuntius:
 "dimissi in varias provincias ad flagitandam
 "opem legati Apostolici, inter quos Othonem
 "St. Nicolai in carcere Tulliano diaconum
 "Cardinalem in Germaniam et Daniam magna
 "cum auctoritate missum, in Fredericum com-
 "movisse populos Godefridus refert: tum
 "evocati

" evocati e Galliis plures Antistites, jussique
 " copias auxiliares adducere. Cum enim
 " episcoporum magis interesset, ut ipsi eccle-
 " siæ libertatem gloriamque tuerentur, illis
 " objecta *præstiti juramenti religione* imperavit,
 " uti conflatis copiis ad defendendam eccle-
 " siam properarent. Quo argumento hæc ad
 " Lugdunensem Archiepiscopum scripsit."

G R E G O R I U S, &c.

" Cum Fredericus dictus Imperator confuso
 " negotio terræ sanctæ cum Sarracenis et aliis
 " infidelibus, ad inculcandam Romanam eccle-
 " siam et subvertendam ecclesiasticam liber-
 " tatem totis anhelet affectibus, totisque vi-
 " ribus annitatur; te in succursum ecclesiæ
 " advocavimus confidenter, ut pote *qui præstito*
 " *juramento ad defendendum papatum et regalia*
 " *B. Patri esse teneris adjutor.* sed qui virtutis
 " amore zelo ecclesiasticæ libertatis spiritum
 " fortitudinis debueras assumpsisse; ut nihil
 " te a matris tuæ possit subducere charitate, sibi
 " hætenus succurrere non curasti; non atten-
 " dens quam facile sit tibi exinde ingrati-
 " tudinis vitium, famæ dispendium et manifestæ
 " transgressionis notam probabiliter expo-
 " brari. Ut igitur tantam offensam emen-
 " datione celeri excusationem reddere videamur,
 " ris,

"ris, fraternitatem tuam rogamus, monemus,
 "et hortamur, sicut etiam sic attentius per
 "apostolica tibi scripta, *in virtute obedientie*
 "*sub debito juramenti distincte præcipiendo man-*
 "dantes, ac in remissionem peccaminum tam
 "tuorum, quam eorum qui tecum in obse-
 "quium ecclesiæ venerint, injungentes qua-
 "tenus sine moræ dispendio cum congruo
 "exsortio bellatorum ad nos personaliter ve-
 "nire festines, ecclesiæ Romanæ ita ex animo
 "serviturus, quod ex debito meritum tibi com-
 "pares, et nos devotionem tuam dignis de-
 "beamus prosequi retributionibus gratiarum.
 "Alioquin noveris, nos dilectis filiis Abbati
 "St. Victoris, Decano et Magistro Joanni
 "Archidiacono Parisiensi per nostras literas
 "injunxisse ut te ad id per censuram ecclē-
 "siasticam appellatione remota compellant."

"Datum Perusii 4 Kal. Octob. Pont. nostri
 anno 3." *

Mr. Milner complains that I have *insidiously*
 called the oath in the pontifical an oath of
 allegiance. Cassander and De Marca called
 it so; and so Popes themselves were wont
 to call it. "*We declare such oaths to be oaths of*
allegiance," said Clement V. And does not

See Appendix, No. IV.

Mr.

Mr. Milner recollects, that Gregory VII. Urb. II. Paschal II. forbid all clergymen to give any homage or liege fidelity to lay princes, instead of which they required an oath of fealty to themselves? If he compares the pontifical oath with ancient forms of allegiance, for instance with that in the capitular of Charlemain, what difference will he discover? In the collection of Gregory VIIth's letters, are extant the oaths of Robert of Sicily, Richard of Capua, Bertram of Provence, Rodolphus and several others. These certainly were oaths of fealty; but in what do they differ from the pontifical oath, except that this has been occasionally enlarged to take in more recent claims of the court of Rome?

When our weak and unhappy John resigned his crown at the feet of a papal Legate, the oath which he took, had no other expressions in it, than are contained in the pontifical oath, only with the variation of necessary circumstances. This surely was a feudatory oath, an oath of allegiance and of vassalage; and accordingly Innocent III. boasted, "*that whereas before these provinces were subject to the Roman Church in spirituals, they were now become subject in temporals also.*" Mr. Milner

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cannot

cannot have forgotten that even since the schism of Henry VIII. the ambition of Rome has claimed the imperial crown of England, as one of her feudatory dependences.

But he insinuates, that an oath should be taken in the meaning of the propounder. Undoubtedly, if the words are in any acceptation susceptible of the propounder's meaning. When the Popes drew up and exacted the pontifical oath, their meaning was to insure to themselves homage and fealty; have other Popes since declared they had no such intention? But Dr. Butler has corresponded with the congregation of propaganda, and taken their sense of the oath. This may be true, but an answer of a few divines is not an authentic declaration of the first pastor in the Christian Church. The truth I believe, is, most bishops have of late years taken the oath without any deep reflection, and finding in one part a restraining clause, *salvo meo ordine*, they extended its effect to deaden almost every other.

In a clear case it is irksome to discuss superfluous arguments; but I will hear out Mr. Milner. He says, "the circumstances themselves determine, on this and all similar occasions, the nature of the subjection contained

"tained in such engagements. If I swear
 "obedience to a civil superior, all the world
 "understands that I bind myself in civil con-
 "cerns. If it is to a spiritual superior, no
 "one will doubt but that my oath relates
 "merely to the affairs of my soul."

Did Mr. Milner well consider the tendency of this argument? Then he, and every English Catholic since the Reformation, have been blameable for not taking the oath of supremacy. It is tendered by a civil superior, the engagement therefore is only in civil concerns. If he says, that civil superiors may improperly blend spiritual with temporal concerns; I will ask, did spiritual superiors never arrogate undue claims over temporal rights? Did Gregory the VIIth never rush beyond the boundaries of Peter's sacred empire?

Divines of the Church of England have explained the oath of supremacy to mean no more, than that the king has a sovereign right equally over all persons and in all cases, whether civil or ecclesiastical, without attributing to him any spiritual right derived immediately from revelation. Roman divines are said to confine the meaning of the episcopal oath to mere canonical obedience, an adherence to the faith, discipline, and com-

munion of the Catholic Church. Admit these explanations as authentic, and there is an end of an ancient quarrel. Protestants will no longer take umbrage at a pledge of communion given to the most ancient of Christian bishoprics; and Catholics may to-morrow acknowledge their king as supreme head of the Church of England. *

As to the argument which Mr. Milner has taken from Dr. Butler, respecting the translation of the word *persequar*—it is founded on a mistake of the meaning of the English verb to *persecute*, and the Latin verb *impugnare*. Had *persequi* meant to burn at the stake, or *impugnare* merely to oppose, or combat by reasoning, then indeed the argument would have had as much solidity as supposed humour. To burn at the stake, and then confute by argument, is certainly ridiculous enough; but to discover by active pursuit, and combat with the edge of the sword, is no laughable case. The meaning of the verb to *persecute*, is to search out with diligence, to vex with interrogatories, to afflict with penalties, to pursue with acts of enmity; and this I believe to be precisely the meaning

* See Appendix, No. V.

of the word *persequar* in the oath of the pontifical, as that of *impugnabo* is, to oppose with all the zeal, activity, and power of a magistrate. To refer us to the classics or to Ainsworth for the precise meaning of a Latin word, used in the eleventh or twelfth century, is futile pedantry, which affects a magisterial air when it is destitute of reasons. The meaning must be determined by the laws and customs of the times; and when we recollect that feudatory princes were condemned to forfeit their dominions, if they did not pursue and exterminate heretics; that inquisitions were established, and Crusades commanded, we cannot be at a loss to fix the meaning of these words, in a feudatory oath, *I will pursue and combat heretics, schismatics and rebels to the papal authority.* *

But Mr. Milner has a heavier charge. His zeal is alarmed. He accuses me, "of putting arms into the hands of our enemies, and furnishing government with the most ostensible argument that has yet appeared for denying us farther indulgence." Reject the oath for ever, our enemies are disarmed, and government has no room left for suspicion. The oath was originally forced upon bishops

* See Appendix, No. VI.

to support the Hildebrandine extravagances; that system of usurpation is now universally exploded; what good purpose then can be answered by taking the oath?

But *arms in the hands of our enemies*—and is then our cause so desperate, that telling the truth is signing our surrender? Is Mr. Milner so little conversant in Church history, as not to know that this oath has ever been considered as an oath of allegiance and vassalage? Is he so entire a stranger to the controversies of our country, as not to know that these arms have long been in familiar use with our enemies? Alas, a Bramhall, a Barrow, a Stillingfleet, a Leslie have brandished them in triumph; and although I am referred to Archbishop Butler's Justification, yet truth and candor compel me to acknowledge, that in what regards the pontifical oath, Dr. Hales has manifestly the advantage over the Archbishop. The fact is, no zeal, no abilities can justify what is in itself unwarrantable. It were more easy to remove at once the stone of offence. The oath was not introduced without great opposition, it was never submitted to without reluctance, it has been constantly blamed as an usurpation on the rights of princes; it ought not therefore to be continued as a stumbling-block.

To draw my observations to a point: it is an oath of allegiance, or it is only an oath of canonical obedience. If an oath of allegiance, it ought not to be taken, it cannot be taken consistently by those, who swear allegiance to their temporal sovereign. If only an oath of canonical obedience, it is made up of nugatory clauses, which have not the least reference to the object intended, and it cannot therefore be taken without uttering unmeaning words, and sporting with a sacred and awful ceremony. It ought then to be set aside, and if refused to be taken, Rome itself will not require it. Ganganelli suppressed the bull *in Cæna Domini*; the present Pope allowed the bishop of Mohilow to be consecrated without taking the oath in the pontifical. Shall not Englishmen enjoy as much liberty as Russians? *

MR. P L O W D E N.

Mr. Charles Plowden, in an Appendix to a work he has lately published, has thought

* I have seen an account of the consecration of the bishop of Mohilow, in which his conduct is held forth in terms of merited approbation, for having refused to take the oath of consecration. It was said to have been written by Mr. C. Plowden, who now so consistently represents it as a canonical oath, which binds all pastors to their head, and as an effectual antidote against schism. p. 130.

proper

proper to attack my former letter with much vehement zeal. This makes it necessary to say a few words in reply. I shall endeavour, though the task is difficult, to single out what reasoning I can perceive amidst his declamation. *Our business*, says this writer, *is with men who reason* *. I wish he had recollected this when he wrote his Appendix.

(P. 117.) Speaking of the primacy of the Pope, he says, "this primacy imports the power of government by laws, and the promise of Christ warrants that these laws shall not deviate from the path of eternal truth, or lead the faithful into error." If by this ambiguous sentence he means, that the Pope must govern the church by general and established laws, it makes nothing to his purpose, since the laws on the appointment of bishops are such as I have stated them. These laws Popes have often approved, and sworn to observe, as well as all the other canons of the church, which they, no less than other bishops,

* *Considerations on the Modern Opinion of the Fallibility of the Holy See*, p. 78. An extraordinary publication, in which the author has omitted to prove the truth of his title, viz. that the opinion of the fallibility of the Holy See is *modern*. This task Mr. Plowden was too prudent to undertake.

are bound to obey *. But if he means that the Pope has power to make what laws he pleases, and that none of the laws made by him will deviate from the path of eternal truth, I deny the truth of this assertion. Popes never were acknowledged as supreme legislators in the church, and it were easy to point out laws made by some of them, which have deviated from moral rectitude, and might have led the faithful into error and into crimes.

The greatest attempt which Mr. Plowden has made to reason on the subject in question, is in page 119, where he deduces consequences from the definition of the council of Florence. I cannot however perceive the smallest degree of *force or clarity* in this reasoning, which he so strongly recommends to his *pious and unlettered brethren*. Not one consequence advanced by him, can I discover to be deduced from the definition quoted from the council. In what part of that definition does he find that bishops and their flocks are dependant on the Roman Pontiff? Neither their faith nor their discipline depend upon him: in what then can this dependance consist? "Sit lex commu-

* See the oath formerly taken by the Popes, in Laun-
ry's Letters.

"nis Ecclesiæ Catholicæ, Evangelium, Apostoli,
 " Prophetæ, canones Spiritu Dei conditi, et
 " totius mundi reverentia consecrati, et de-
 " creta sedis apostolicæ ab his non discrepan-
 " tia. Sylves. 2 ep. ad Siguinum, Archiep.
 " Sennonensem."

Mr. Plowden has not given the whole of
 this favourite definition of the council of Flo-
 rence: after what he has quoted are these
 words—"juxta cum modum qui et in actis æcu-
 " menicorum conciliorum, et in sacris canonibus
 " continetur," Καθ'ον τροπον και εν τοις πρακτικοις των
 οικουμενικων συνοδων, και εν τοις ιεροις κανονι διαλαμβανεται.

This clause he omitted for obvious reasons.
 In what then does this plenitude consist?
 Does it elevate the Bishop of Rome above
 the universal Church? On the contrary, the
 form and measure of his government, are
 defined to be according to the acts and regu-
 lations of former councils. The question then
 returns, what are the regulations of councils
 concerning the election of bishops? And this
 question must be decided, not by vague con-
 sequences drawn from a fanciful theory, but
 from historical facts and public instruments.

The rights and privileges of the Bishop of
 Rome had been early settled, but during the
 schism the Greeks had claimed the primacy
 for

for the Patriarch of Constantinople. To be reconciled they consented to return to the appointment of ancient councils. But in acknowledging the rights of the Roman See, they took care to renew the rights and privileges of the other patriarchs, as these too had been settled by the early œcumenical councils. "*Renovantes insuper ordinem traditum in canonibus cæterorum venerabilium Patriarcharum, ut Patriarcha Constantinopolitanus secundus sit post sanctissimum Romanum Pontificem, tertius vero Alexandrinus, quartus autem Antiochenus, quintus Hierosolymitanus, salvis videlicet privilegiis omnibus et juribus eorum.*"

Concerning the right of elections there was no controversy. Eugenius claimed it not; the Greeks had no intention to concede it. The ancient canons were to continue in full force. Bessarion had properly observed, during the debates of the council, "we know indeed, what are the rights and prerogatives of the Roman Church, but we know likewise, by what boundaries these prerogatives are circumscribed."

The truth is, the distinction between the oriental and occidental Churches had been early marked, and although the necessity of

maintaining communion was deemed essential, yet neither Church allowed the other to make regulations beyond its own boundaries. Every Metropolitan, every Patriarch, had his rights and privileges defined; and with these no other Metropolitan or Patriarch was suffered to intermeddle. Now the reconciliation at Florence was intended to replace the two Churches on their ancient footing; of course to renew the ancient canons, not to abrogate them. *

I did not say that ordinations were to be made, *in defiance of the head of the Church*: but I stated the laws of the Church on the appointment of bishops, as I found them. In none of those laws is the consent of the Roman Pontiff required to an ordination: if therefore, he should claim a right of interference on this, or any other occasion, to which the canons of the Church do not entitle him, such claim ought to be resisted. Let Mr. Plowden show that the laws of the Church are not such as I have stated them to be, and he will effectually answer my *letter*; till he does that, all his declamation is to no purpose. It will not overturn any thing that I have advanced.

* See De Marca, l. 1. c. 4, Launoii Ep. p. 69 et 760.
Ed. Cantab. See Appendix, No. VII.

Will Mr. Plowden give a frank and satisfactory answer to the following question of Sarpi? "If the Pope hath this authority, whence comes it that his predecessors for more than a thousand years have never exercised it? And that neither councils, fathers, canons, nor ancient histories have ever mentioned it? They cannot ascribe it to the different circumstances of times in the Church, as requiring it more now, than in so many ages past: for from the year 800 untill 1100 the confusions and corruptions were so great, that ours are comparatively inconsiderable: yet no Pope then ever concerned himself in the management of the estates of other Churches, as much as they wanted regulation. *

"The discipline of the Church," he says, (p. 121.) "does not require that the bishops should be chosen by the clergy and people, or ordained by neighbouring bishops, independently of the Pope; the discipline of the Church requires the very contrary." When I read this confident assertion, I concluded, that in the remainder of the Appendix Mr. Plowden would give some substantial proof of it. Unfortunately, however, I sought

* Beneficiary matters,

in vain for the slightest argument, or any attempt to prove the truth of his proposition. Perhaps we are to look for this proof in the "complete refutation of my letter, which is preparing by abler hands." *

"The discipline of the Church," (says Mr. Plowden) "in points connected with faith as this is, is in substance unchangeable, and what is, is therefore right." If by the discipline of the Church, he means the rules enacted by councils and admitted by the Church, nothing is more evident than that they are in direct opposition to our precarious, uncanonical Church government by Vicars Apostolic. If, on the contrary, he means the practice of the Church, which has frequently been guided by the ordinances of the Popes, nothing can be less true than *whatever is, is right.*

To you, Gentlemen, it would be insulting to offer a proof that abuses have crept into the discipline of the Church, but to Mr.

* It is amusing to observe how this *very easy task of refuting my letter*, has been shifted by my opponents from one to the other. Mr. Pilling says Mr. Plowden has done it in such a manner as to render his *complete refutation* useless. Mr. Plowden says that he has not time to write a *complete refutation*, but that abler hands are preparing it. Is then Mr. Milner's letter this work of abler hands, this *complete refutation*?

Mr.

Plowden it seems necessary. I will therefore refer him to the letter written to Paul the III. by the Prelates, who were commissioned by that Pontiff to specify those abuses, which it would be proper to propose to the council of Trent to be remedied. After lamenting the miserable state of the Church, they say, "Sanctitas tua probè noverat principium horum malorum inde fuisse, quod nonnulli Pontifices tui prædecessores, coacervaverint sibi magistros—qui docerent Pontificem esse Dominum beneficiorum omnium, ac ideo cum Dominus jure vendat id quod suum est, necessario sequi, in Pontificem non posse cadere Simoniam. Ita quod voluntas Pontificis, quabiscumque ea fuerit, sit regula, quâ ejus operationes et actiones dirigantur: ex quo procul dubio effici, ut quidquid libeat, id etiam liceat." * This instrument

* I refer the reader for the opinion of eminent fathers on the abuses practised in the Church, to St. Bernard *De Consideratione*, a work addressed to Eugenius the III. Mr. Plowden is perpetually extolling the splendor of the Holy See, the gems of the Tiara, &c. How different is the language of this saint! "Petrus hic est, qui nescitur processisse aliquando vel gemmis ornatus, vel sericis, non tectus auro, non vectus equo albo, nec stipatus milite, nec circumstrepantibus septus ministris. Absque his tamen credidit satis posse impleri salutare mandatum, *Si amas me, pascere oves meas*. In his successisti non Petro, sed Constantino." Lib. 4. c. 3.

is signed by the respectable names of four cardinals, Contarini, Caraffa, Sadolet and Pole, and by five prelates.

"Nothing," says the learned Van Espen, "can be more pernicious, than to suppose that to be the true discipline of the Church, which we generally see practised: or to pretend that the discipline of the Church is abrogated, because contrary customs prevail,"

It is an easy method of vindicating the abuses, which have crept into the Church, to suppose them to have been directed by the Holy Ghost. How far it is justifiable, you, Gentlemen, will determine. My heart recoils, when I hear the corruptions of men ascribed to the operation of the Almighty's unerring wisdom.

That a man, who reasons as Mr. Flowden does, should deem Fleury a bad logician, is not wonderful. There is certainly no similarity in their modes of reasoning. It will however require other abilities, than those he has exhibited on this occasion, to blast the reputation of that calm Christian philosopher, as well as accurate historian. His discourses on Church history stand unrivalled for solidity of thought, sincere love of primitive Christ-

Christianity, and elegant simplicity of language.

We are informed (p. 125.) that "the discipline of the church, which regulated the extent of the power of bishops, has been changed, and not the old but the actual canons must now determine the extent of it." How is this to be reconciled with what I have quoted above, "that the discipline in points connected with faith, as this is, is unchangeable?" He proceeds, "the inconveniences, especially the danger of schism, resulting from the ancient modes of establishing bishops, gave rise to the venerable canons which have for ages regulated this important concern." When did the church regulate that discipline which we now follow in England? If our present church government be according to the discipline of the church, then is that of other countries contrary to it. If the venerable canons have regulated this important concern, how happens it that in every different country a different mode is followed of establishing bishops? In all this variety, what becomes of the immediate guidance of the Holy Ghost? Does he "direct the springs and ensure the rectitude" of all those different and contradictory administrations?

I

Does

Does he in France direct the people to elect their bishops? Does he in Spain and Portugal inspire the sovereign to name them? Does he in Germany give this right to the opulent chapters of the respective cathedrals? Surely Mr. Plowden was very inconsiderate, when he thus introduced the immediate agency of the heavenly Spirit!

The election of a Pope, Mr. Plowden will allow is of equal importance with the election of other bishops. In the first See, therefore, we might expect to find, if any where, an *unchangeable discipline*. Originally the same mode and the same rules prevailed in Rome as in all other Christian churches. The bishop was elected by the clergy and people. For some centuries this discipline was invariable; but in the stretch of ages, what vicissitudes has Rome experienced? Let a shade be cast over the scandalous and unhappy days, when the violence or bribery of candidates, or the influence of powerful men and intriguing women, intruded ambitious and often profligate churchmen into the throne of Peter. To speak of times less tumultuous and irregular, we observe to the election by clergy and people succeeding, first the approbation and consent, then the nomination

mination and absolute authority of emperors. In brighter periods the election was restored according to the primitive model, and the clergy and people reinstated in their rights. Afterwards the Cardinals appropriated to themselves the exclusive right of making Popes, although in critical seasons general synods have assumed the choice. In modern days it rests solely in the conclave*. Will Mr. Plowden exhibit this as a specimen of immutability, or piously attribute these changes to the uniform energy of the Holy Ghost?

Relying implicitly on the inspiration of the Holy Ghost, and convinced that *whatever is, is right*, Mr. Plowden has thought all further information unnecessary.

But I will ask, what are these new canons which have abrogated the old ones? By whom are the inconveniences specified which resulted from the ancient mode of establishing bishops? What council has mentioned them? Till he has satisfied his readers on these points, he may inveigh against the "hardiness of a layman for presuming to burst through the "sanctions of the church;" but it will be all

* See Appendix, No. VIII.

idle declamation, which can have no effect on a rational mind.

Mr. Plowden informs us (p. 127.) "that a host of foes are leagued against the sanctuary, and that they have laid a deep scheme to overturn the religion of Christ." If there be any truth in this assertion, the author should have informed us who are concerned in this plan, and have given us some account of its rise and progress. We might then have been upon our guard against the designs of this formidable host. At present it appears that he wishes to alarm us with imaginary dangers. At all events, if such a league exists, Mr. Plowden may be assured that the most effectual way of counteracting their designs, is by correcting the abuses which have crept into the sanctuary, and have injured the religion of Christ.

"Oh how little is logic attended to where passion rules!" says Mr. Plowden (p. 122.) "It is an odious affectation of a multitude of modern writers who to themselves *seem to be something*, to deplore the degeneracy of the modern church, and to extol the discipline of the ancient. Their motive is to inspire contempt of what is now in use, by recommending what cannot be practised." This

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is the first time I have heard the praise of the ancient discipline termed affectation and bad logic. In favour of this curious piece of declamation he quotes Erasmus: in answer to him I will cite the words of St. Charles Borromeo. It will appear that this illustrious prelate must, in Mr. Plowden's opinion, be an affected modern writer, who recommends what cannot be practised. "Morum disciplinam facile restituemus, si qua ratione quibusque factis primum constituta diuque conservata est, eandem nos in restituenda adhibebimus." (Concio ad patres in synodo primo Mediol. congregatos.) "Non adumbratam quamdam, sed expressam illam christianæ disciplinæ formam afflante Spiritu sancto decretis nostris restituere curemus, quam nascente ecclesia instituit vivus sermo Dei et efficax. —Nec veró est cur a muneris nostri ratione deterreamur, vel quia his pastoribus nostris studiis actionibusque animos eorum exulcerare videamus, qui filii sunt perditionis; vel quia populares illæ, quibus quasi ficus foliis deformes, pravi que mores contigi solent, voces audiantur: *non ferunt hæc tempora veterum canonum severitatem: sic jam diu vivimus, ita vixerunt, ita egerunt qui ætate nos antecesserunt; vitæ institutum nihil est quod im-*

"mutemus."

"*mutemus.* At nos hæc, atque adeo alia ejus-
"modi contemnamus." (Syn. 2. Mediol.)

The oath taken by bishops at their consecration, this author asserts (p. 130.) "was known long before Gregory the Seventh. St. Boniface had introduced it into France and Germany, where the schism of some bishops occasioned the re-establishment of it by that Pope." It is true that St. Boniface, in a synod held 742, prevailed on the reluctant Gallican prelates to promise canonical obedience to the Pope, and that they would apply to Rome for the pallium: but I cannot find any oath, which was then taken, similar to the present oath in the pontifical. The only one I find recorded by Baronius, is that which St. Boniface took, upon the body of St. Peter, in the year 723, after he had been consecrated bishop, and which was probably the same as that proposed to the Gallican prelates in the above-mentioned synod.—It is as follows:

Promitto ego Boni-
facius, Dei gratia episcopus,
tibi beate Petre apostolorum princeps,
vicarioque tuo
beato

I Boniface, bishop
by the grace of God,
promise to thee, blessed
Peter, prince of
apostles, and to thy
vicar

beato Gregorio Papæ,
 et successoribus ejus
 per Patrem, et Fili-
 um et Spiritum Sanc-
 tum, Trinitatem in-
 separabilem, et hoc
 sacratissimum corpus
 tuum, me omnem fi-
 dem et puritatem sanc-
 tæ fidei Catholicæ ex-
 hibere, et in unitate
 ejusdem fidei, Deo
 operante, persistere,
 in qua omnis Christi-
 anorum salus esse sine
 dubio comprobatur:
 nullo modo me contra
 unitatem communis et
 universalis ecclesiæ,
 suadente quopiam con-
 sentire, sed ut dixi, fi-
 dem et puritatem me-
 am atque concursum
 tibi et utilitatibus ec-
 clesiæ tuæ, cui a Do-
 mino Deo potestas li-
 gandi solvendique da-
 ta est, et prædicto
 vicario

vicar blessed Pope
 Gregory, and to his
 successors, by the Fa-
 ther, Son and Holy
 Ghost, the undivided
 Trinity, and by this
 thy most holy body,
 that I will maintain
 the utmost fidelity and
 sincerity towards the
 holy Catholic faith,
 and that I will persist,
 God willing, in the
 unity of that same
 faith, on which there
 can be no question
 that the salvation of
 all Christians depends;
 that I will not con-
 spire, at the instiga-
 tion of whomsoever,
 against the union of
 our common and uni-
 versal church; but, as
 I said before, that I
 will yield, in all things,
 fidelity, sincerity and
 aid to thee, and to the
 interests

vicario tuo atque successoribus ejus per omnia exhibere. Sed et si cognovero antistites contra instituta antiqua sanctorum patrum conversari, cum eis nullam habere communionem, aut conjunctionem, sed magis si valuerim prohibere, prohibebo: sin minus, fideliter statim domino meo apostolico renunciabo. Quod si (quod absit) contra hujus promissionis meae seriem aliquid facere quolibet modo, seu ingenio vel occasione tentaverim, reus inveniar in æterno judicio, ultionem Ananiæ et Sapphiræ incurram, qui vobis etiam de rebus propriis fraudem facere præsumperunt. Hunc etiam indiculum

interests of thy church, to whom the power of binding and loosing was given by our Lord God; and that I will yield the same to thy vicar aforesaid and his successors. And if I find the bishops live in open violation of the ancient canons of the holy fathers, I promise to have no communication or agreement with them; but rather, if I can, I will prevent it: and if I cannot, I will, without loss of time, give faithful information against them to my apostolical superior. And if, which God forbid, I ever attempt to do any thing against the tenor of this engagement, by any means whatsoever, either

lum sacramenti ego
Bonifacius exiguus e-
piscopus manu pro-
pria scripsi, atque po-
nens supra sacratissi-
mum corpus Sti. Pe-
tri, ita ut præscrip-
tum est, Deo teste et
iudice, feci sacramen-
tum, quod et servare
PROMITTO.

either from the sug-
gestion of my mind, or
from the temptation of
opportunity, may I be
found guilty at the e-
ternal judgment, may
I incur the punish-
ment of Ananias and
Sapphira, who even to
you presumed to de-
clare falsehood con-
cerning their own pos-
sessions. This form of
oath I Boniface, a low-
ly bishop, wrote with
my own hand, and
placing it on the most
sacred body of St. Pe-
ter, as is enjoined,
God being my witness
and judge, I took the
oath, which I also pro-
mise TO KEEP.

The oath, Mr. Plowden says, is the same as
that now taken by bishops at their consecra-
tion. I transcribed the other in my former
letter to you, and now request that you will
compare them.

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He

He also asserts that the oath of consecration was known before Gregory the VII. although every author who has written on the subject attests that Pope to have been the first who imposed this oath of fealty. The words of Thomassin are: "Toute cette obeissance, (du
 "serment de Boniface) étoit bornée a l'étroite
 "observance des canons, dont les Papes ne se
 "dispensoient pas eux memes en ce temps là."

"Gregoire VII. fut le premier qui exigea du
 "Patriarche d'Aquilée dans le concile Ro-
 "main de l'an 1079, non seulement la profes-
 "sion d'une obeissance canonique, *canonicé*
 "*obediam*; mais un serment de fidélité sembla-
 "ble a celui que les vassaux pretent a leur
 "seigneur, de ne jamais attenter contre leur
 "vie, leur honneur et liberté. *Non ero in*
 "*consilio neque in facto, ut vitam aut membra,*
 "*aut papatum perdant, aut capti sint mala cap-*
 "tione."

From these instances it is easy to judge of the degree of confidence which can be placed in the bold assertions of this writer.

DR. STRICKLAND.

After reviewing the productions of Mr. Milner and Mr. Plowden, I proceed with considerable

siderable satisfaction to the remarks made on my letter by Dr. Strickland *. In these I can distinguish the modesty which ought to characterize the clergyman, and the civility which becomes the gentleman. He does not contend for the excellence of our present church-government; on the contrary he wishes for the abolition of titular bishops, and does not disapprove of the proposed alteration. He seems however to doubt of the practicability of effecting it, and appears unwilling to deny to the See of Rome any part of that authority which she has so long enjoyed. The doubt he expresses of the discipline of the church being such as I have represented it, must, I think, be removed by what I have already said †.

As many other points of discipline existed in the primitive church which are not now enforced, Dr. Strickland concludes that former practice can be no rule to direct us in a point of discipline, that is to be observed at present; but we must consider whether it is expedient to admit such practice.—To this I answer, that the parts of discipline, mentioned by Dr.

* *Remarks upon a Letter, &c.—by a Clergyman.* I have taken the liberty of mentioning the name of Dr. Strickland, because it was prefixed to the copy sent to me.

† See Appendix, No. IX.

Strickland, have been altered by subsequent regulations in the church; but that the canons, which require the election of bishops by their flock, have not been abrogated. I am willing to admit, that if any grievous inconvenience attended the observance of these rules, there would then be a sufficient reason not to conform ourselves entirely to them: but if we consider the inconveniences attending the present mode of appointing our pastors, they will be found to be considerably greater, than those attending the mode, which I have proposed.

Of all the transactions which have taken place amongst the Catholics of this kingdom, none has been so fatal in its consequences, as the opposition made to the oath proposed to them by James the First. This opposition would never have taken place, had we then had bishops canonically appointed. Unfortunately our clergy were at that time so dependant on the Court of Rome, that they applied to that source of Ultra-montane prejudices, to know if it was lawful to take an oath, precisely intended to convey a renunciation of those prejudices. The answer was such as might have been expected. The oath was condemned; the condemnation was acceded

to by a subservient clergy, and the idea of an English Catholic has from that time, till within a few years, been inseparably associated with that of an abettor of the most dangerous of Ultra montane prejudices. Had our church, in 1606, not been dependant on the Court of Rome, we should not in 1789 have been called upon to make those renunciations, which Dr. Strickland seems to lament.

It is not easy to conceive a situation more humiliating than that of the Catholic clergy in the reign of James I. They wished, for they felt it their duty, to take the oath of allegiance. The most distinguished among them wrote, ably and invincibly, in defence of the king's proposal, for they knew his intentions were favourable, the form of his oath unexceptionable, and that he required no more than was necessary for the safety of his government and the tranquillity of his people. But what were the orders of the Court of Rome, what the strain of its purple Cardinals? Go to prison and the gallows, sooner than profess allegiance to your sovereign, sooner than renounce the deposing and absolving powers which we have assumed: if you write in favour of your monarch's independance, we condemn your writings; if you decline retracting

tracting your sentiments, we suspend you from your functions, we subject you to ecclesiastical censures, we denounce damnation on your souls; and not satisfied with your silent submission, we require you to acknowledge as a point appertaining to your faith, that Popes have a right to depose excommunicated princes, and absolve their subjects from their oath of allegiance*.

This picture is not overcharged, as every one will allow who has read the letters of Parsons in Dodd's compilation, or has read the history of Blackwell and of Widdrington. It would have been happy if Paul's violence had expired with himself; but he had set a pernicious example, and the cruel, unfatherly usage of Rome long continued to keep in oppression the Catholics of these dominions. Paul's condemnation was held out perpetually, as an authentic instrument, to terrify them; and if ever attempts were made, in England or in Ireland, to declare their loyalty and attachment to their king and country, these declarations were instantly suppressed, as already condemned in the Briefs of Paul. Hence the persuasion that *the Catholic religion is inconsis-*

* See Appendix, No. X.

ent with the government of this country was deeper and deeper impressed on the public mind. In every reign the charge was repeated; in every reign the suffering Catholics appealed to their loyal and dutiful behaviour, without daring to enter into an authentic justification of their principles, the purity of which the overawing ascendancy of Rome allowed them not to vindicate. By degrees, however, they ventured partially to speak the conviction of their souls; and if during the present reign the fatal impression is in great measure effaced, it is because the Catholics, in both islands, have dared to profess their allegiance, and solemnly abjure the deposing and absolving powers, without even consulting Rome, or regarding its former vain pretensions and unchristian condemnation. The spirit of 1778 snapped the chains of papal tyranny. When their social and political principles are concerned, English Catholics will never again be ill-advised enough to resort to any foreign country for direction; and to remove for ever any remaining traces of prejudice from the minds of their fellow-subjects, they are convinced they cannot, in a manner too solemn, or in terms too forcible, renounce, not only the undue claims

claims of Rome, but the very basis, on which they have been supported, the ideal notion of an infallible and uncontrollable authority vested in the Pope. France and Venice have had to struggle against papal usurpations, and in asserting their liberties and independance, they have uniformly professed their disbelief of the Pope's infallibility; well knowing, that the superstructure of imaginary rights could not be effectually overturned, unless the foundation, on which it stood, was equally removed.

I return to my assertion. If in 1606 our Church had not been dependant on Rome, we should not lately have been called upon to make a renunciation of principles, which have so long excited the distrust of our country, deprived us of the protection of the laws, and rendered us slaves in a land of freedom. All temporal dependance on Rome is set aside for ever; ought we not to place our Church in spirituals on a less dependant footing?

Every Church governed by Apostolical Vicars must necessarily, according to the present practice of the court of Rome, be extremely subservient. To devolve on the immediate care of the first Christian pastor, might seem an alleviation in distress; in forming

ing their infant churches, if an Augustin and a Boniface were perplexed with difficulties, they had recourse directly to a Gregory or a Zacharias, and received from their own hands an answer to their questions. Popes were then approachable. But on our Church government, what is the personal influence of the Vicar of St. Peter? Is it easy to inform him of our wishes, or our necessities? Has he in general any knowledge of the persons employed, or the measures pursued in our concerns? Every thing is transacted by a congregation of cardinals, assisted by a few divines. Wherever the influence of this congregation extends, scanty indeed must be the liberty left to episcopal or sacerdotal ministers. Every right and privilege are absolutely resigned into the hands of a few foreign theologians. From them bishops ask decisions; to them they send accounts how they govern their flocks; by them they submit to be directed and judged. Preposterous form of government, if examined by the principles of the Cyprianic age! For ought not every Church to enjoy the right of delivering its own belief, its own traditions, its own maxims? And surely, no set of persons living at a distance, and unacquainted with the laws, lan-

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guage

guage, manners, customs and necessities of a people, can be competent judges, what regulations are most suitable to local circumstances. Every delegated government is, by its own inherent nature, liable to grievous inconveniencies.

That a Church should be deprived of a pastor for the space of many months, remain in a state of uncertainty of obtaining one at any precise period, and at length perhaps have one forced upon her, to the exclusion of the person of her confidence and choice, must appear to every Catholic to be considerable inconveniencies. They are, however, the evident consequences of our present Church government; on the other hand, the only inconvenience mentioned in the plan I proposed to you, is the tumult attending large meetings. A moment's reflection, however, will convince you that there is no reason for such apprehensions. In the early periods of the Church, when a bishop was established in every town of any note, and there was in that town but one place of worship, it was easy to collect the sentiments of the people in that place, on some day of public assembly. But when afterwards the bishoprics were of greater extent, the suffrages of the people were taken

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in their respective places of worship. I cannot see that any difficulty attends this mode, nor discover any reason, why the pastors of the different congregations, may not collect the sentiments of their people.

Dr. Strickland thinks that such a deviation from the primitive practice of Christianity, as that which now prevails, is to be attributed to the mischiefs and inconveniencies attending most elections. It is, however, something extraordinary, that no instances are adduced of these inconveniencies; nor can I see any grounds to suppose they were the cause of the alterations, which have taken place in the discipline of the church. The true cause of the alteration is to be found in the riches and possessions of the bishoprics, which made them objects of attention to the civil power, and to the claims gradually made by the Popes of an absolute control over all ecclesiastical property.

During the first ten centuries of the Church, the election of clergy and people was always considered necessary in the appointment of prelates, although the Metropolitan or the bishops of the province presided in these elections, and frequently influenced the sentiments of the people. To ordain a bishop, without consulting the flock over which he

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was



was to preside, or to appoint him against their know inclinations, was always esteemed to be a direct violation of the laws of the Church.

In the eleventh and twelfth centuries, many instances occur of the people having had part in the election of bishops, although the clergy, at that period, had doubtless the greatest influence. * It was not till the time of Alexander the III. that the election of the Popes was given to the cardinals, to the exclusion of the clergy and people of Rome. From this example, which in the instance of Alexander was certainly inauspicious, it appears that in the thirteenth century the election of bishops was assumed by the chapters of the cathedrals, who were supposed to represent the body of the clergy. This custom prevailed so generally, that in the time of Innocent the III. suffragan bishops were excluded from concurring in the elections of the Metropolitans; from which time the elections by the chapters

* In a council held at Rome 1088 by Gregory the VIIth, the following canon was enacted. “Instantia visitatoris episcopi, qui ab apostolica vel metropolitana sede directus est, clerus et populus remota omni sæculari ambitione, timore atque gratia, Apostolicæ sedis vel Metropolitanæ sui consensu, pastorem sibi secundum Deum eligat.” See also Epist. Greg. l. 1. Ep. 35, 69. L. 4. Ep. 16. L. 5. Ep. 5, 11, 14.

have been erroneously stiled canonical. This mode of choosing bishops prevailed in the Church, till Boniface the VIIIth and Clement the Vth gradually arrogated to themselves the right of naming to some of the vacant bishoprics; which claim was so far extended by their successors, that Benedict the XIIth reserved to the nomination of the Holy See almost all the parochial livings, as well as bishoprics. * These pretensions of the Popes arose chiefly from the disputes which happened, and the simoniacal elections, which were frequently made by the chapters. On those occasions appeals were made to Rome, where the claims of the different candidates were often set aside: and the Roman pontiff, under pretence that he was to take care that the Sees were properly filled, named the new bishop.

These reservations and nominations were violently opposed, in many places, by princes and clergy, against whose interests they expressly militated. In this state of confusion and warfare, necessarily arising from those extravagant claims, did the church remain till the council of Constance, when the restitution

* See Appendix, No. XII.

of elections, at least to the chapters, was demanded by several prelates, particularly by the French. The consideration however of this business was postponed till after the election of a Pope, to put an end to the schism. A resolution nevertheless was passed, that the person to be elected should, with the deputies of the different kingdoms, settle some regulation on this subject. But this had not been done when the council of Basle assembled. It was then enacted, that the reservations made by Popes of bishoprics, and other dignitaries of the church, should be abrogated, and that all bishops should in future be elected according to the canons. This decree of the council was vehemently opposed by the Popes; but it was adopted in France, where, in consequence of it, the right of election reverted to the chapters, and so continued till the famous concordate made between Leo the Tenth and Francis the First. By this agreement the nomination of the bishops was assumed by the King, and the confirmation by the Pope, to the exclusion of the bishops, clergy and people*.

In

* "Thus," says Sarpi, "after so many Popes had, between the years 1076 and 1150, thundered out so many excommunications, and set on work so many conspira-

"cies

In this state things remained in that kingdom till the late regulations restored to the clergy and people the right of electing their pastors.

In Germany, the liberty of elections was long preserved; and it appears that during the great disputes between the Popes and Emperors concerning investitures, the right of election in clergy and people was acknowledged by Gregory and his successors. To obviate the subsequent claim made by the Popes of naming to vacant bishoprics, a concordate was also made between Frederic the Third and

“cies and rebellions, with the loss of so many millions of
“lives, in order to wrest from princes the collation of bi-
“shoprics, and to give the election to the chapters; on the
“contrary, the quarrel seems now inverted, and Pius the 2d
“and five of his successors, have with the same zeal and
“constancy been struggling to take the election from the
“chapters, and give it to the king, which Leo the 10th at
“last accomplished: so true it is that a change in interests
“draws along with it both a change and even a contradic-
“tion in doctrines.”

“Thinking and speculative men, such as are apt to en-
“quire into the reasons of this great change in the Popes,
“have ascribed it to the dislike they had to the elections of
“the clergy, which keep too much in memory the ancient
“venerable form and figure of the church in this practice
“and universal doctrine of elections, of which we find at
“this day so faint a resemblance left.”—Beneficiary Mat-
ters, c. 48.

Nicholas

Nicholas the Fifth, in which the election of bishops was confirmed to the chapters of the cathedral churches.

In other countries, as in Spain and England, the interference of the monarch in the appointment of bishops is more ancient; but as this right depended solely on the customs and laws of those countries, they are of no consequence to the present question.

The various modes of appointing bishops in different kingdoms do not then appear to have been established by any general regulations of discipline, but to have been adopted in consequence of temporary regulations; or of agreements made between Popes and the sovereigns of the respective kingdoms. As long as the elections were made by the clergy and people, according to the rules of apostolical discipline, we seldom hear of litigations or disputes. When the people were excluded, either by their own inattention, or by the influence of the clergy, it appears that the chapters soon assumed to themselves the exclusive privilege of being the electors. This usurpation of the chapters was very favourable to the subsequent pretensions of the Popes, which received much less resistance than they would have done from the body of the clergy and laity. In opposi-
tion

tion to the claims of the Popes, the sovereigns, whose recommendation to the chapters had been equivalent to a nomination, were desirous that they should not be disturbed in their right of election; particularly when they found that persons unacceptable to themselves had been frequently named by the Court of Rome. The Popes, on the other hand, dreaded nothing more, than that the ancient canons should be enforced, which would entirely exclude them from all interference in the elections, and restore the right of confirmation to the metropolitans. They therefore thought it prudent to surrender the claim of nomination to the sovereign, on condition that he should present to them the object of their nomination; by which means the confirmation of the bishop, and the *annates*, or first year's revenue of the see, they reserved to themselves. It is evident that such compromises cannot be esteemed any part of the discipline of the church, and are consequently not to be regarded by us. We have neither concordates to regulate our proceedings, nor chapters to claim the right of election; we must therefore have recourse to the pure discipline of the church, to direct our conduct.

M

I cannot

I cannot help expressing my surprise, that it should be so confidently asserted, that the discipline of the church had been changed on account of the inconveniences attending popular elections; when it must be evident to any person conversant in ecclesiastical history, that for the space of ten centuries, when this discipline prevailed, few inconveniences of this nature are mentioned. When any dispute arose, it was soon settled, by ascertaining who was the person chosen, with the approbation of the bishops, by the clergy and laity, as was done in the case of Cornelius, when opposed by Novatian. On the contrary, since the ancient discipline has been neglected, and other modes of election have prevailed, the church has been more convulsed on this subject than on any other. This will evidently appear by a cursory view of the schisms, which divided the Church from the time of Alexander the III. till after the council of Constance. Since that time, how often have episcopal Sees been left for years vacant, to support pretensions unknown in the purer æras of the Christian religion?

The right of confirmation, which is now so generally allowed to the Pope, has no better foundation; nor can he shew a more ancient title

title to this claim, than to that of nomination. The confirmation of bishops was originally no more than the approbation given by the Metropolitans and their suffragans, to the choice made by the clergy and people, after they had judged the person chosen to be canonically elected, and worthy of the office. This was always accompanied by his ordination.

During the space of ten centuries, no distinction was made between the right of ordaining and that of confirming. This right, from the unfrequency of provincial councils, and inconveniencies attending the meeting of the suffragan bishops, gradually devolved to the Metropolitans only. Frequent canons have confirmed to them this right; nor do we find, during the space of twelve centuries, that the Roman pontiffs claimed the right of confirming any bishops, except those who were their immediate suffragans. The origin of their present claim appears to be co-eval with that of the nomination. When in the fourteenth century, John the XXII. and Benedict the XIIth arrogated to themselves the right of naming to all bishoprics, it appeared a derogation from their dignity, that a person named by the bishop of Rome, should

apply for confirmation to an inferior prelate. In the subsequent compromises made between the different Sovereigns and Popes, the rights of the Metropolitans were no more regarded than were those of the clergy and people. It was agreed, that the Pope should not be disturbed in his claim of confirmation, on condition that the sovereign should not be molested in his right of nomination. On this ground, and not on any regulation of discipline in the Church, stands the power now exercised by the Popes of confirming bishops. * “ Quelque effort, says Thomassin, † “ que nous ayons fait pour rechercher dans “ l’antiquité quelques traces de la police mo- “ derne de l’église, qui a presque réservé au “ Pape seul l’élection et l’ordination de tous “ les eveques; il a néanmoins paru qu’au con- “ traire, presque tous les anciens eveques, “ surtout dans les Patriarchats orientaux, “ montoient sur le trône episcopal, sans que “ le Pape en fut même averti.”

* Van Espen. P. 1. Tit. 14. c. 1. I always except those kingdoms, where the discipline of the council of Trent has been received: that council gives to the Popes the right of confirmation.

† Ancienne et Nouvelle discipline de l’église. T. 2. P. 720.

“ Quoi

" Quoi qu' apres leur ordination ils ecrivif-
 " sent au Pape, pour temoigner leur union
 " avec le centre de la communion catholique
 " ce n'etoit nullement pour obtenir de lui la
 " confirmation de leus dignité; et ce n'etoient
 " memes que les Patriarches, les Exarques,
 " & les Primats qui devoient entretenir ce le
 " commerce de lettres avec l'eglise de Pierre,
 " qui est la source de l'unité; tous les autres
 " eveques lui etoient unis par l'union qu' ils
 " avoient avec leuts chefs." These letters
 of communion and professions of faith have
 been lately adopted in a neighbouring king-
 dom. I hope we shall revive this ancient
 and excellent practice, which during many
 ages supported Catholic unity, better than the
 oaths and other regulations which have since
 been enacted.

It appears then, that the right of confirming
 bishops did not, for many centuries, belong to
 the Popes, but was claimed by them at a
 period, when the the greatest abuses pre-
 vailed. Previous to this claim of confirming
 all bishops, the court of Rome had annexed a
 species of confirmation to the Palliam, which
 they sent to the Metropolitans. It was pre-
 tended, but without foundation, that before
 they had received this ornament, they could
 not

not legally exercise their functions. Till the second council of Nice, no obligation of receiving the pallium was imposed. It was then considered as a hardship, and yet each Metropolitan was directed to receive it from his own respective Patriarch. The bishops of the oriental Church received it not from Rome, and in the Western provinces, it was considered more as a compliment of decorum, than a real abridgement of rights and privileges.

Dr. Strickland appears displeased that I should give to the Pope the appellation of "foreign prelate:" but he calls him "a prelate totally unconnected with these kingdoms," which I apprehend, conveys precisely the same meaning. I have also called him the first pastor or first bishop of our Church, which is I believe the most proper appellation that can be given to him. Upon the whole, however, Dr. Strickland does not disapprove of the plan I proposed, if it does not derogate from the deference due to the bishop of Rome. It must appear evident, that it does not take from him any part of that authority, or deference, which was ascribed to him in the purer ages of the Church. He must

must be unreasonable if he exacts any thing more. *

OTHER OBJECTIONS.

I have now, Gentlemen, examined, and I believe answered the objections, which have been made to my former letter, as well as to the authorities, which I have adduced in support of my opinion. There are however, some observations, which have been made on more general grounds, and these it may be proper to notice. It has been said that a layman ought not to discuss, much less publish his thoughts on any ecclesiastical subject, and consequently not on the appointment of bishops. It has been asserted, that the measure I propose, as well as some others lately adopted by the English Catholics, unnecessarily deny to the Holy See some prerogatives and privileges, which the Popes have generally

* I have seen a work entitled, *A Dialogue between a Protestant Catholic Dissenter and a Catholic, &c. by the Rev. William Pilling*. In the preface he attacks my letter, on which he profusely bestows many harsh epithets: he has also extracted several positions from Dr. Hooke, from Bossuet, and the decisions of the Gallican prelates, not omitting the favourite decision of the council of Florence; but as none of these passages prove what he wishes to deduce from them, or have any reference to the present subject, I shall leave what he has said unnoticed.

claimed

claimed as belonging to them. Lastly, it is said that the letter I have addressed to you, is absolutely schismatical. These charges I will briefly consider.

LAYMAN WRITING ON ECCLESIASTICAL
SUBJECTS.

Jesus Christ, in establishing the Christian religion, appointed bishops and priests in his Church; to them he gave peculiar commissions, and invested them with spiritual powers, which were not conferred on the body of the faithful, or on the Church at large. To them he gave the commission to preach the gospel; them he appointed stewards of the mysteries of God. Their office therefore is to preach the gospel, and to minister the sacraments of the Church. To presume to execute any of the functions limited to the priesthood, would be a subversion of the order established by Christ in his Church. The pulpit and the altar belong peculiarly to the clergy.

The distinction, therefore, between clergy and laity is evident. The former are to deliver the word of God, and to administer the sacraments to the latter, who constitute the body of the Church. But this word of God is to be delivered pure, and this administration

is

is to be performed by established laws and regulations; from an acquaintance with these laws, and from the knowledge of this word of God, the body of the faithful are not excluded. *Should we, or an angel from heaven preach any other gospel unto you, than that ye have received, let him be accursed,* says St. Paul to the Galatians. To judge whether any gospel preached unto them, was different from that which they had received, it was necessary they should well know what that gospel was. Nor does the legal mission of the person, who preaches, supersede this examen. A knowledge therefore of the gospel, and of the religion of Christ, as well as of the regulations by which the Church is governed, can never be improper in a layman. Nor will it be easy to prove that it is criminal, to have acquired some knowledge of ecclesiastical history, the writings of the fathers, and the canons of the Church.

All government was instituted for the benefit of the society, which was to be governed. To this end all regulations, are, or ought to be directed. Whenever, therefore, any considerable inconveniences are felt by the people, in consequence of the laws enacted, they have an undoubted right to require their

N

abolition

abolition or alteration. This right must be more evident, when inconveniences are felt from a violation, or a non-observance of regulations, which have been made. In this case, to demand that the laws be duly executed, is a duty they owe to themselves, which it would be culpable to omit. In doing this, they neither encroach on the power of the magistrate or of the priest. In requiring that the magistrate govern according to the laws of the country, and that the priest minister according to the rules of his Church, I assume neither the magistracy nor the priesthood. But it is said, Christ has commanded us to hear those whom he has sent, by declaring that *he that hears them, hears him*. By this declaration our Saviour could only mean to say, that we then heard him by hearing them, when they delivered to us his word, not when they were delivering to us their own sentiments and opinions. These are as liable to error, and consequently as open to discussion as those of other men. That the clergy have sometimes taken advantage of the influence which their situation gives them, to support undue claims, and to obtain temporal advantages, is a truth which history too strongly confirms. Guided by the same mo-

tives,

tives, influenced by the same passions as other men, they have condemned declarations as contrary to faith, which only militated against their unfounded pretensions, and have maintained opinions as consonant to religion, which in their consequences were destructive to society. In this they have too often been implicitly listened to by a "pious and unlettered" multitude; who, if they had compared their decisions with the gospel preached by Jesus and his apostles, would have immediately discovered the vanity of their claims. When the condemnation pronounced by Paul the Vth, was acceded to by the greater part of a dependant and subservient clergy, the Catholic laity should have considered whether this condemnation was consonant to the gospel preached by St. Paul, "which they had received." A slight attention to the nature of the condemned oath, would have convinced them that nothing by it was demanded of them, which as subjects they ought to refuse, and that nothing was renounced in it, which affected their religion. Instead, therefore, of listening to the condemnation, they should have asserted their own rights, and have disregarded all interference of their pastors, in concerns which were not of a

religious nature. The mischiefs which have ensued from their pursuing a different conduct, will in future prevent the Catholics of this kingdom from ever following so fatal an example. In requiring that their ecclesiastical superiors interfere not in concerns of a civil nature, and that they minister in the Church according to the established order, they must be convinced that they are guilty of no encroachment on the ministry appointed by Christ.

DEROGATION FROM THE POWER OF THE POPE.

It has been said that the proposal made to you of electing our bishops, as well as some other measures lately acceded to by the Catholics of this country, unnecessarily take from the Pope some privileges and prerogatives, which his predecessors have long enjoyed. That the bishop of Rome, as successor of St. Peter, is the first amongst the Christian bishops, as St. Peter was amongst the apostles, is acknowledged by all members of the Catholic communion. Besides the pre-eminence and authority, which he may claim as successor of St. Peter, many other prerogatives and privileges have, on different occasions,

occasions, been granted to or claimed by his predecessors. On what occasions these were granted, or whether it was proper to grant them, are points totally irrelevant to the present purpose. The only point to be attended to is, that whatever power and authority are derived to him from divine commission, these form an essential part of our religious system; but whatever power was given to his predecessors, at different times, by the concession of men, this can form no part of the divine commission, and may be resumed by the same authority which granted it. In this country, before the Reformation, the Popes enjoyed many of these privileges, the claim to which they derived solely from the laws and customs of the land. At that period, all pre-eminence, power and authority whatsoever were denied to the Pope, by the laws of this realm. Since that time, the Catholics of this country have been in a peculiar situation. We cannot accede to or pay obedience to a human law, which, in our opinion, militates against a divine appointment. But the precept of obeying our temporal superiors, obliges us to conform to the laws in every thing which does not militate against our religion. When-

ever,

ever, therefore, any oath or test is proposed to us from lawful authority, the sole object, which can come under our consideration, is, whether it contains any thing contrary to our religious belief, or violates any point of Catholic union. A declaration may deny to the Pope, in some instances, that power, which many of his predecessors have enjoyed, and which they perhaps have used with propriety and discretion, but this can be no motive to prevent our making such a declaration, if the laws of our country require it. In doing this we are guilty of no disrespect to the successor of St. Peter. Did we live in a country where the laws gave him more power, we should not object to obey such laws. But no personal respect can justify us in violating the laws of our country.

To apply this to the proposal I made to you of electing our bishops, without the confirmation of the See of Rome. I think I have proved, that the right of appointing or confirming bishops belongs not to the Pope by any divine commission, nor by any regulation of church discipline, which is obligatory on us. To pursue, therefore the method I have proposed; will be acting in compliance with the laws of your country, and will not de-

rogate from any pre-eminence or authority in the Pope, which is essential to Catholic unity.

S C H I S M.

If the proposal I have made of electing our bishops, does not violate any point of Catholic unity, still less can it with propriety be termed *schismatical*. I ought indeed to apologize to you, Gentlemen, for answering so absurd a charge. Nothing but the shameless effrontery, with which it has been made, could have prevailed on me to notice it. Schism, as the meaning of the word plainly indicates, is a division of some body into two or more parts: in matters of religion, it is a division or separation in a body of men, in their faith or religious professions. That this division should amount to schism, it is necessary that it be in some point, which is esteemed a fundamental and essential act of religion. If, therefore, the proposal made in my former letter to you is schismatical, it must contain a violation of some essential and fundamental point of Catholic belief or discipline. So far, however, from its having such a tendency, the sole purport of it is to exhort you to conform to the rules of Catholic discipline,
which

which in our present system are grossly violated. It is true I have proved that these rules are not observed on many occasions, but a remonstrance against the breach of the laws can never be termed schismatical. Such a charge must be founded in an ignorance of the first principles of religion and government.

Besides this futile charge of schism, we have of late heard much of some other qualifying expressions, intended to convey a censure on particular propositions. On this occasion I cannot forbear transcribing the following passage from Holden's excellent work, *The Analysis of Divine Faith*, B. 2. c. 8. * "There are yet these words *scandalous, and offensive to pious ears*, which we must explicate. And first, certainly these words ought only to be understood of, and applied unto such propositions as truly give occasion of *scandal* and offence: for such opinions as only give occasion of *scandal* to the rude and ignorant without just cause, ought not to be branded with this censure. *For the truth* (as St. Thomas

* I quote this from an old translation printed in 1658. To this translation is added, a letter from the Author to the Translator, which is not in the edition of the *Analysis* lately printed in Paris.

" of Aquine faith) ought not to be deserted by
 " reason of the passive scandal which some may
 " take. Opinions are commonly said to be
 " scandalous and offensive to pious ears, by reason
 " of some novelty, which seems to be opposite
 " either to some common tenet in doctrine,
 " or to some usual practice in religious wor-
 " ship; or at least whereby some uncouth, or
 " unaccustomed thing is either begun quite
 " anew, or renewed; and this in something
 " which hath relation to religion, whether
 " it concern only an internal assent of the
 " understanding, or some external religious
 " practice. All opinions ought not to be
 " judged scandalous and offensive to pious ears,
 " precisely because they are opposite to some
 " vulgar and common tenet generally held in
 " schools; or to some common practice gene-
 " rally in use amongst devout people. Be-
 " cause it is manifest to all knowing men,
 " that there be many abuses crept into the dis-
 " cipline of our Christian and Catholic reli-
 " gion, and many untruths into the fancies of
 " the people, yea, and even into our schools
 " of divinity; we must, therefore sometimes,
 " though discreetly, recall into the minds of
 " men, and renew the oracles of the ancient
 " fathers in theological points, as also their
 " O " holy

"holy customs in religious worship, which
 "are now much decayed, nay, almost quite
 "extinct. And this certainly ought not to
 "displease any, unless it be such as are either
 "in effect unlearned, or do favour the licen-
 "tiousness of these times. And we further
 "say, that it is necessary, (according to the
 "Church's custom in general councils) to
 "take away the growing abuses in sacred
 "things, to labour all we may in prudence,
 "to revive the ancient sentiments of the holy
 "fathers, and the old and pious customs of
 "the primitive times. But if we see any
 "thing practised, which is altogether new and
 "of a late invention, in a matter any way be-
 "longing to religion;—we may with more
 "reason conceive that such a thing is *scanda-*
 "*lous and offensive to pious ears.*"

C O N C L U S I O N.

That the government of the Church by
 bishops is of divine appointment, is a truth,
 which will not be controverted by any Catho-
 lic. This appointment of bishops was not
 made, that all should indiscriminately rule the
 whole Church, but that each should govern
 a particular portion, which is allotted to his
 immediate care. In this manner the apostle
 instructed

instructed his disciple, to ordain bishops for each city in the island of Crete. This rule was universally followed in the primitive Church, as appears from many authorities of the fathers: "Singulis Pastoribus," says St. Cyprian, "portio gregis fuit adscripta quam regat unusquisque et gubernet," conformable to this the councils of Nice and Antioch expressly forbid the interference of one bishop in the diocese of another. Nor are Metropolitans or primates entitled to the exercise of any jurisdiction of an ordinary bishop, out of the limits of their own dioceses, even within those of their suffragans.

It is not less certain, that by the rules of the Church, all bodies of faithful, which are sufficiently numerous, ought to have a proper bishop appointed to govern them, although they should not before have possessed one. This is confirmed by many regulations, as well as the general practice of the Church. These bishops should be the proper pastors of the Church, over which they are to preside, and not mere vicars, as appears from many authorities, as well as from St. Gregory, L. 2. Ep. 25. "Pastoralis officii cura nos admonet, destitutis ecclesiis *proprios* constituere sacerdotes, qui gregem dominicum debeant *pastorali*

stotali sollicitudine gubernare." The same Pope instructed St. Augustin not to appoint bishops at too great a distance, "ut longo intervallo
"minimé disjungantur."

That our present Church government is not conformable to these rules, must be evident on the slightest observation. Our present vicars are not our own pastors, to whose paternal care our church is committed; they are delegates from a foreign prelate, by whose commission they exercise their functions, and at whose will they are revocable. The same authority which sends these vicars, may totally deprive us of any bishop, and may govern us by an arch-priest, or by any other uncanonical and arbitrary method the bishop of Rome may think proper to adopt. This Mr. Plowden seems to intimate, when he says, p. 129, "that
"for the convenience of the flock, he has
"vested these his vicars with the episcopal
"character:" as if it were in the power of the Pope, in violation of a divine appointment, to deprive Christians of having their own pastors and bishops. It appears that Mr. Plowden thinks, that bishops are only convenient, not necessary to the Church.

To justify this right in the Pope of governing the Church of this country by his delegates, it is necessary to have recourse to the vain pretence of his being the fountain of ecclesiastical jurisdiction, and to assert, that he has a plenitude of power to rule the universal Church in the manner he pleases, and that other bishops are only his deputies or delegates. But this is one of those modern pretensions which have always been opposed; it is founded, like many others, on the false decretals, which for many years have been rejected by the sounder part of the Christian Church. No power was given to the bishops of Rome, by which they can alter the established government of the Church, by proper pastors ordained for the flock, over whom they are to preside. The same rules, which bind other prelates, are obligatory on them. "*Contra statuta patrum condere aliquid vel mutare; nec hujus quidem sedis potest auctoritas,*" says the illustrious Pope Zozimus. Our present government by Vicars Apostolic, is then contrary to the rules of the Church, the practice and regulations of the apostles, and was unknown in the purer ages of the Christian religion. Nor is there any power in the Pope, which can legalize so irregular a system.

a system: nothing can justify it but absolute necessity. If it be proved that our present method is the only one, by which we can obtain bishops, it were doubtless better to acquiesce in it, than to be totally deprived of their essential ministry. But this pretence has not been mentioned, nor is there the least ground to alledge it. It must appear that a more easy and certain method may be adopted, and as the laws of the Christian Church require it, is it not your duty, Gentlemen, to take the necessary steps to put it in execution?

It is not a little pleasant to observe, that notwithstanding the apprehensions hastily expressed by my alarmed opponents, they in substance coincide with me in sentiments. Mr. Milner would have the inclinations of the flock consulted as much as possible; Dr. Strickland does not disguise his wish for the proposed alteration, if it can be effected peaceably; and even Mr. Plowden says, that if "circumstances would allow the erection of new dioceses among us, Rome would as kindly condescend to our wishes, as she has done to those of the American Catholics." Where then is the temerity of my proposal? The only questions to be discussed, were obviously, whether

whether it is expedient, whether it is practicable in our circumstances, to return to the rules and practices of the primitive Church? Of the expediency and facility of this return, I am thoroughly convinced. From my infancy I have been accustomed to hear sensible, and worthy clergymen lament the weakness, and irregularity of our present form; where then can be the scandal in stimulating them unanimously to attempt an alteration for the better?

Our present Church government may be considered in two ways. It may be said, that by it we were intended to be subjected to the immediate episcopal jurisdiction of the bishop of Rome, by whose temporary delegates we are governed. But this I conceive to be a species of government, which the Pope could not wish to perpetuate in this country. It is such a violation of all the essential points of church discipline, that it is injurious to the first pastor in the Christian Church, to suppose him guilty of it. By many laws of the Church it is forbidden to bishops, to ordain other bishops to churches where they have no flock to govern, that they may employ them as their temporary vicars and delegates in the government of their own dioceses. The bishop
of

of Rome cannot without necessity or evident utility, exercise his episcopal functions out of the limits of his own diocese, any more than other Metropolitans. When, therefore, after the change of religion in this country, we were destitute of bishops, we did not fall under the immediate direction of the See of Rome. In no sense could the bishop of Rome be considered as our immediate and proper pastor. The Pope, indeed, as well as other Christian bishops, was bound, by the ties of Catholic communion, to assist us in our necessities; but the principal assistance which could have been given, was according to St. Gregory, to appoint pastors who should rule the Church with paternal care. When this illustrious Pope sent St. Augustin, and other persons to preach the gospel in this country, he justifies his interference by the neglect of the neighbouring Gallican prelates, whose duty it principally was to assist in the conversion of the English nation. In his letter to Theodoric and Theobertus kings of France, he says; "Pervenit ad nos, Anglorum gentem ad fidem Christianam Deo miserante desideranter velle converti, *sed sacerdotes vestros è vicino negligere, & desideria eorum cessare sua adhortatione succendere,* *ob hoc igitur*

"igitur Augustinum servum Dei cum aliis—
 "illuc prævidimus dirigendum." In the next
 epistle to the queen, he says that he under-
 stood the English had a desire to embrace the
 the Christian religion. "*Sed sacerdotes qui*
"in vicino sunt, pastoralement erga eos sollicitudi-
"nem non habere, quorum ne animæ in æterna
"damnatione valeant deperire, curæ nobis
"fuit—Augustinum—cum aliis servis Dei illuc
"dirigere—quibus etiam injunximus ut—
"é vicino secum debeant presbyteros ducere."

To suppose, that when the government of a
 country adopts a religion different from the
 Catholic, the Pope has a power to deprive that
 country of canonical and regular bishops, is to
 suppose that he can subvert the ordinance of
 Christ, and that the faithful may be deprived
 of their pastors, when they stand most in need
 of them.

I wish, therefore, to draw a veil over the
 conduct of the court of Rome towards the
 Catholics of this country, during the space of
 fourscore years after the Reformation. It is
 to be supposed that subsequent Popes saw the
 errors of their predecessors, and were de-
 sirous of correcting them. However irregular,
 therefore, our present government by Vicars
 Apostolic may be, I am not inclined to sup-

P

pose

pose, that it was intended to perpetuate, under the specious pretence of giving us bishops, the same violation of order, which was committed by the nomination of a vicarial arch-priest.

The other view, in which I consider our Church government, is by supposing that it was the intention of all persons concerned in framing it, to conform to the discipline of the Church, as much as the circumstances of that period would admit. To this supposition I am inclined to adhere, because it is less injurious to the Holy See than the former. As the number of the faithful had diminished, it was thought that four bishops were sufficient: England was therefore divided into four districts, over each of which a bishop was appointed to preside. These bishops were not made titular of the districts they governed, probably because it was thought that such a measure might give unbrage to the established Church, which was then particularly alarmed at the attempts of James the II. They were therefore, ordained with a foreign title, though the exercise of their functions was limited to the district they were to govern. Whatever motives may have justified such an irregularity at that time, it is evident they no longer exist. There is no reason to apprehend,

apprehend, that the established Church will take more offence at the appointment of a Catholic bishop of the Southern district, than at the appointment of a bishop of Bithan to preside over that district. It is well known, that our bishops can claim no share of their honours, emoluments and advantages, and that our Church has no right to interfere in the ecclesiastical establishment of any country. This is derived from, and is regulated by the legislative authority of the kingdom.

On which soever of the two above mentioned grounds, we may suppose our present Church government to have been framed, it is equally our duty to correct in it all that is irregular and uncanonical. I have shewn that the only canonical method we can follow, is that of election by the clergy and people. The claims made by different Popes to the right of nomination, were always resisted: they are not founded on any pretences which can be justified, nor are they sanctioned by any rule of discipline. Whatever privileges may have been given to chapters of electing bishops, and whatever interference sovereigns may have exercised, for the sake of peace and good order, when the latter no longer exercise their right, and the former no longer exist,

exist, the right of election must devolve to the original possessors, who were the clergy and people. That, which is of divine institution, ought not to be set aside or rendered precarious by any human regulation. No Catholic will deny that the existence of bishops is of divine precept, and that they are indispensibly necessary in the Church. Those regulations cannot therefore be right, which have sometimes deprived a whole kingdom of bishops, and which now make their existence precarious. To secure this necessary succession of bishops, we must have recourse to the canonical method of election, proposed in my former letter. *

After

* When the kingdom of Portugal had in 1640 thrown off the Spanish yoke, and seated the house of Braganza on the throne, the court of Rome favoured the pretensions of the king of Spain; and the Pope in consequence refused bulls of confirmation to the bishops named by the new king. John the IVth repeatedly applied for them during the space of ten years, to two successive pontiffs, but without effect. During this time all the bishops of the kingdom were dead except one. In these circumstances the king applied for advice to the universities and divines, as well of his own as of other kingdoms; their answer was unanimous. That the faithful ought not to be deprived of pastors, on account of the pretensions of the court of Rome, and consequently, they

After a bishop is elected, it is necessary that the election be confirmed. That the ancient practice of the Church required the confirmation to be made by the Metropolitan and his suffragans, or by the bishops of the province, I have fully demonstrated. From what I have said, I think it clearly follows, that the modern practice of applying to Rome for bulls of confirmation, cannot be necessary, either by divine law or canonical regulations. "Ces bulles," says le Gros, * ne sont point "nécessaires selon les canons, c'est une innovation des derniers tems, une véritable "servitude dont on a chargé les eglises; un "abus également contraire a l'interet de la "religion & a la pratique des premiers siècles, "une occasion pour la cour de Rome d'attirer

they advised him to fill up the vacant bishoprics by the canonical mode of election, and to call in foreign prelates to ordain the bishops elected, without waiting for bulls from Rome. On this measure the king determined, when the Pope, terrified at the probable influence of such an example, relented and granted bulls to the bishops named by the king. Thus has the court of Rome, by means of its usurped power, made the most essential interests of religion subservient to its political designs.

* Memoires sur le refus des Bulles, 1718. See also Memoire de M. Gibert.

"l'argent

" l'argent du royaume, & d'exiger ces annates
 " qui ont toujours été si odieuses; un pretexte
 " defaire valoir les pretensions Ultramon-
 " taines, et de faire regarder la jurisdiction des
 " evêques comme une emanation volontaire de
 " celle du Pape." The Gallican prelates have
 frequently regulated themselves according to
 these wholesome maxims. During the long schism
 before the council of Constance, although one
 of the pretenders to the papacy was acknowledg-
 ed in France, the bishops elected did not always
 apply to him for their bulls of confirmation.
 And it is well known that when the Concordate
 imposed that obligation, it was loudly and un-
 animously remonstrated against by the clergy,
 the parliament and the university of Paris.
 The French nation was never reconciled to it,
 and in the *Cahiers* which contain the instruc-
 tions of the constituents to their represen-
 tatives in the National Assembly, the abolition
 of this concordate is demanded by the three
 orders of the state.

Notwithstanding this claim of the Popes to
 grant bulls of confirmation, is not founded on
 any just grounds, it is probable that you might
 not wish to depart from a custom, which of
 late years has been so generally followed,
 unless there be some impediment to your
 complying

complying with it. It appears that such an impediment exists in the laws of our country. These laws may, at the same time that they prohibit applying to the court of Rome for bulls, impose some penalties on the exercise of our religion: but this cannot be urged as a sufficient motive for the violation of them in those instances, where they do not militate against any part of our religion. The late regulations made in France, have taken from the court of Rome the right of confirming the bishops of that kingdom, but this resumption of the right of confirmation, affects not the religion of the bishops nor of their flocks: and if in future any bishop elect should, contrary to the rules now established, apply to Rome for bulls of confirmation, he would violate the laws of his country; and he could not pretend that the penalties he might incur by such a proceeding, would be inflicted on account of his religion. The same must be said of the Catholic bishops in this country. It appears then that this application to Rome for bulls of confirmation is not sanctioned, much less required by the laws of the Church, but that it is an abuse introduced since the eleventh century, and that it is contrary to the laws of our country, which must be obeyed, when they

they do not violate the duty we owe to God. There is not the same objection to addressing letters of communion, accompanied by a profession of faith, to the See of Rome the center of Catholic unity: these were in use in the purer ages of the Church, and will I hope be substituted here and in all churches, to the present mode of confirmation.

Upon an impartial view, therefore, of our situation, I am well convinced, Gentlemen, that you will agree with me in opinion, that our bishops ought to be elected by the clergy and people, and confirmed by the bishops of the province. To adopt this salutary practice, we are impelled as well by the laws of the church, as by the laws of the land.

I cannot conclude this address to you better than in the words of the learned Van-Espen, when speaking of the Church of Utrecht. "Manifeste igitur, uti opinor, demonstratum est, probari minime prætentam plenitudinem potestatis Pontificiæ per modernam praxim instituendi, confirmandi, et ordinandi episcopos: quia tantum abest, praxim hanc et morem ex primigenia Romanæ Pontificis a Christo ipsi concessa auctoritate fluxisse, ut potius contra primævam et constantem XI. seculorum disciplinam

"ciplinam fuerit introducta, nullis adjuncta
 "canonibus, sed adversus antiquos canones,
 "non sine acerbis querimoniis catholicorum
 "virorum, ipsorumque conciliorum, quibus
 "cordi erat veneranda antiquitas, et avita
 "disciplina, quæ ex puro fonte profluxerat;
 "et unâ summo dolori erant gravissima in-
 "commoda et mala, quæ novam praxim co-
 "mitabantur."

"Ex quo ulterius consequitur in Romani
 "Pontificis auctoritate positum nequaquam
 "fuisse, dare ecclesiæ *Ultrajectinæ* merum vi-
 "carium; sed ad illam secundum sacros cano-
 "nes ordinare debuisse proprium pastorem et
 "episcopum, qui illam non vicariâ, sed pro-
 "priâ ac ordinaria auctoritate regeret."

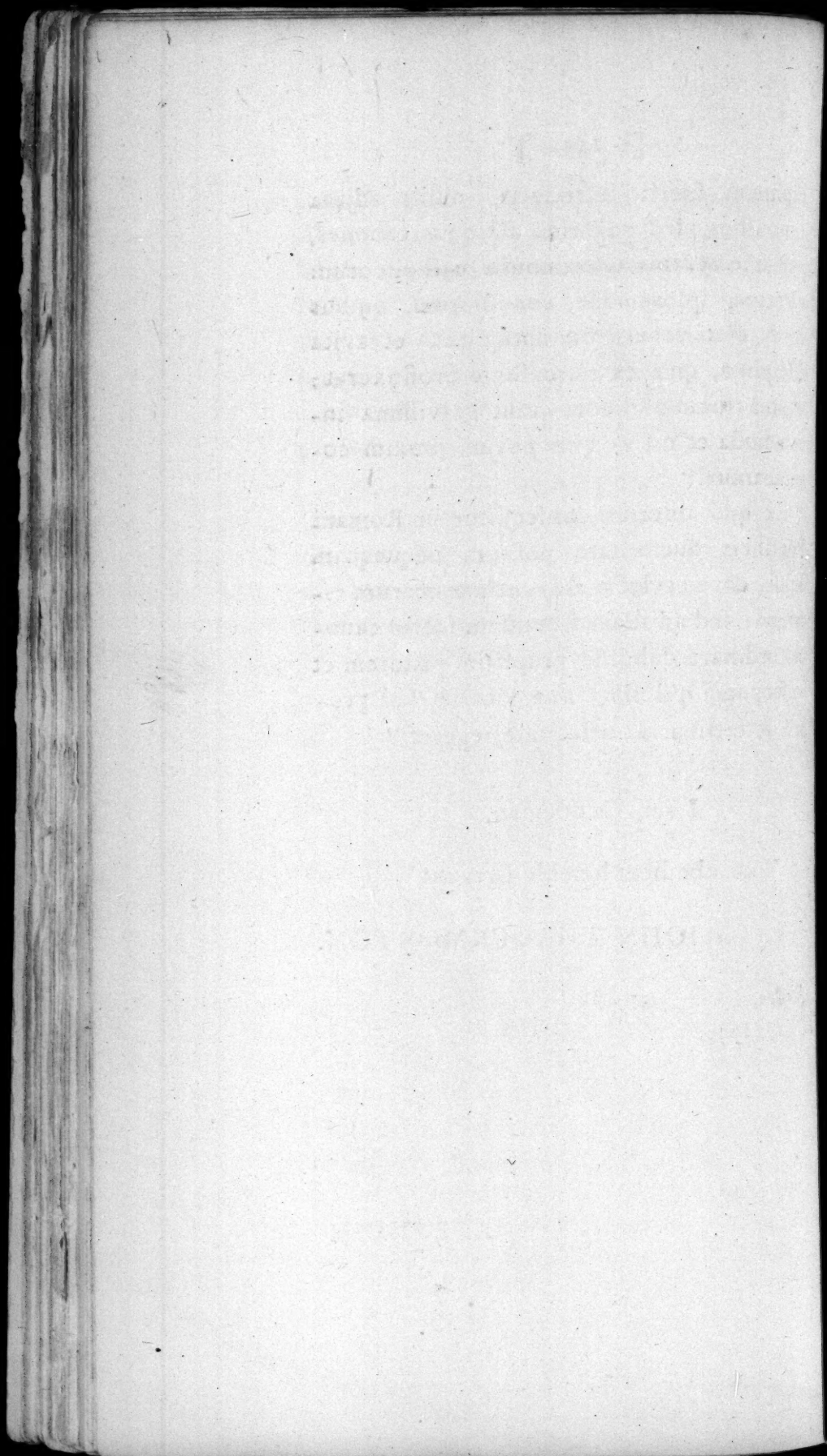
I am, Gentlemen,

Your obedient humble Servant,

JOHN THROCKMORTON.

Weston,

Nov. 17, 1790.



A P P E N D I X.

No. I. Page 6.

OPTATUS says of Cyprian, "Suffragio totius populi Cyprianus eligitur." And what the sentiments of this great saint were, we may collect from the following passages in his letters. "Plebs obsequens præceptis Dominicis et Deum metuens à peccatore præposito separare se debet, nec se ad sacrilegi sacerdotis sacrificia miscere; quando ipsa maximè habeat potestatem vel eligendi dignos sacerdotes, vel indignos recusandi; quod ipsum videmus de divina auctoritate descendere; ut sacerdos plebe præsentē sub omnium oculis deligatur, et dignus atque idoneus publico, judicio ac testimonio comprobetur." Again more expressly as to bishops: "Cæterum quando episcopus in locum defuncti substituitur, quando populi universi suffragio in pace deligitur.—Cui si

Q 2

"secundum

“secundum magisteria divina obtemperaret
 “fraternitas universa, nemo adversum sacerdo-
 “tum collegium quidquam moveret; nemo
 “post divinum judicium, post populi suffragi-
 “um, post coepiscoporum consensum, judicem
 “se jam non episcopi, sed Dei faceret.” As
 often as he mentions the ordination of Cor-
 nelius, he declares it to have been made
 by the testimony, and by the suffrages of the
 clergy and people. See Ep. 41. 52. 55. 67.

No. II. Page 7.

If we compare the fourth and sixth canons
 of the first council of Nice, it will be obvious,
 that the intention of the fathers was only to
 preserve the right of ordination to the Me-
 tropolitans, and the bishops of the province.
 The right of the clergy and laity to give their
 suffrages, was not the point to be regulated.
 From the days of the apostles, this right had
 been uniformly exercised. Our accurate and
 learned Bingham well deserves to be heard
 on this subject. “As to those who assert,
 “that the people were anciently indulged in
 “these matters before the council of Nice,
 “but that their power was abridged by a new
 “decree of that council, they are evidently
 “under a mistake, for it is certain the Nicene
 “fathers

" fathers made no alteration in this affair, but
 " left the whole matter as they found it. For
 " though in one of their canons it is said,
 " that the presence, or at least the consent
 " of all the provincial bishops, and the con-
 " firmation or ratification of the Metropo-
 " litan, shall be necessary to the election and
 " ordination of a bishop; yet that is not said
 " to exclude any ancient privilege that the
 " people enjoyed, but only to establish the
 " rights of Metropolitans and provincial bi-
 " shops, which Meletius the schismatical Egyp-
 " tian bishop had particularly invaded, by
 " presuming to ordain bishops without the
 " authority of his Metropolitan, or consent of
 " his fellow-bishops in the province of Egypt.
 " That nothing else was designed by that
 " canon is evident from this, that the same
 " council, in the synodical epistle written to
 " the church of Alexandria, expressly men-
 " tions the choice of the people, and requires
 " it as a condition of a canonical election;
 " for speaking of such Meletian bishops, as
 " would return to the unity of the Catholic
 " Church, it says, that when any Catholic
 " bishop died, Meletian bishops might succeed
 " in their room, provided they were worthy,
 " and that *the people chose them*, and the bishop
 " of

" of Alexandria ratified and confirmed their
 " choice. Our learned bishop Pearson has
 " rightly observed, that Athanasius himself was
 " thus chosen after the Nicene council was
 " ended; which is a certain argument, that
 " the people's right was not abrogated in that
 " council. The Eusebian party made it an ob-
 " jection against him, that he had not the choice
 " of the people: but the bishops of Egypt
 " assembled in synod, in their synodical epi-
 " stle, do with great earnestness maintain the
 " contrary, asserting that the whole multitude
 " of the people of the Catholic Church, as if
 " they had been all united in one soul and bo-
 " dy, cried out, requiring Athanasius, to be or-
 " dained bishop. Whence Gregory Nazianzen
 " also says of him, that he was brought to the
 " throne of St. Mark, $\psi\eta\phi\omega\ \tau\omicron\upsilon\ \lambda\alpha\omicron\upsilon\ \pi\alpha\upsilon\tau\omicron\varsigma$, by
 " the suffrage of all the people. It were easy
 " to add many other instances and proofs of
 " the like nature." *Antiquities of the Christian*
Church, b. 4. c. 2.

For other instances and proofs recourse
 may be had to De Marca *De Concordia Sacerd.*
et Imp. l. viii. c. 4.

Bingham, in the fourth book of the Antiquities of the Christian Church, mentions several instances of bishops chosen by a special designation of heaven. Among others he relates the instance of Alexander, bishop of Comana, out of Gregory Nyssen, in the life of Gregory Thaumaturgus. "This Alexander
 "was a Gentile philosopher, and very learned
 "man, who upon his conversion to Christianity, that he might avoid observation, and
 "follow his philosophical studies with the
 "greater privacy, in his great humility be-
 "took himself to the trade of a collier, whence
 "he had the name of Carbonarius. Now it
 "happened on the vacancy of the bishopric of
 "Comana, that the citizens sent to Gregory
 "Thaumaturgus, to desire him to come and
 "ordain them a bishop; but they not agree-
 "ing in their choice, one by way of jest and
 "ridicule proposed Alexander the collier;
 "who being discovered by special revelation
 "to Gregory Thaumaturgus to be a man of
 "extraordinary virtues and worth, who had
 "submitted to that contemptible calling only
 "to avoid being taken notice of; and being
 "found upon due enquiry to be the man he
 "was

“was represented to be, he was thereupon
 “unanimously chosen by all the church to be
 “their bishop, and immediately ordained by
 “St. Gregory.”—Such exceptions evidently
 suppose and confirm the general rule and
 the general practice. Accordingly Bingham
 proves, that *this conjunctive power of clergy
 and people was not barely testimonial, but a ju-
 dicial and effective power by way of proper suf-
 frage and election.*

No. IV. Page 40.

The following extracts from Archbishop De
 Marca are worthy of attention. If I am mis-
 taken in my opinion concerning the pontifi-
 cal oath, the authority of that learned man has
 misled me. The hyperbolical language of
 Urban the Second is more than oratory ad-
 mits; it borders on blasphemy.

“Episcopi autem postquam consecrati fue-
 “rant, scripto tradebant professionem fidei;
 “sed nullam episcopis obedientiam promitte-
 “bant, nisi verbis generalibus conceptam, sci-
 “licet observaturos se quæ canonibus præ-
 “scripta essent. Præxim enim illam, quæ
 “reverentiam quandam et obedientiam me-
 “tropolitano præstandam esse edicit, no-
 “vam esse colligitur ex epistola Leon. 1. ad
 “Anac.

"Anaf. Theff. in qua eum objurgat, quod ab
 "episcopo Attico *chartulam de obedientiae spon-*
 "*sione* exegerat conscribi; *legebatur*, inquit
 "Leo, *in literis tuis quod frater Atticus char-*
 "*tulam de obedientiae sponse conscripserat*, in
 "*qua signum prodebat*ur injuriæ: Locus hic
 "relatus est in libris Decretalium, ubi glossa
 "laborat in conciliatione ejus cum quibusdam
 "aliis capitibus sponsonem illam scripto tradi
 "præcipientibus: qua difficultate ut se expe-
 "diat, Atticum ait clericum fuisse, cui anima-
 "rum cura non fuit commissa. Vera tamen
 "solutio hæc est; anno nimirum 450, id est,
 "sub tempore Leonis 1^{mi}. sponsones illas, sive
 "juramenta fidelitatis, ut sequens ætas vocavit,
 "nondum fuisse receptas in usum. Invaluerunt
 "postea; adeo ut in professione fidei quam
 "episcopi in consecratione emittebant, mentio
 "in primis fieret metropolitani, cui pollice-
 "bantur se ei obedientiam et reverentiam in
 "canonibus et decretis sedis apostolicæ con-
 "tentam, conservaturos, et insuper privilegia
 "quæ secundum eosdem canones et decreta
 "metropolitanis debebantur; nulla prorsus
 "mentionem facta sedis apostolicæ. Origo hu-
 "jus consuetudinis extat in libello quorundam
 "episcoporum Aquileiensium oblato Impera-
 "tori Mauritio circa annum 590, qui aiunt se,
 R " tempore

" tempore ordinationis suæ cautionem scriptis
 " emittere, qua spondent se studiosè servatu-
 " ros fidem ordinatoris sui, et fidem integram
 " reipublicæ. Itaque hæc illorum professio
 " fidei continebat, secuturos se exemplum et
 " auctoritatem metropolitani in damnandis
 " hæresibus, et pro canonum executione: ac
 " præterea servaturos integram fidem quæ rei-
 " publicæ, id est, imperatoribus, debetur.
 " *Suggerimus, piè Dominator, quia tempore ordi-*
 " *nationis nostræ unusquisque sacerdos in sancta*
 " *sede Aquilegiensi cautionem emittimus, studiosè*
 " *de fide ordinatoris nostri, et nos fidem integram*
 " *sanctæ reipublicæ servaturos."*

" Professio Hincmari Laudunensis episcopi
 " continet juramentum fidelitatis ab eo Regi
 " præstitum: cui se obediturum promittit si-
 " cut homo seniori suo. Deinde promittit se
 " privilegio Hincmari metropolitani ecclesiæ
 " Remensis obediturum, secundum canones.
 " Sed hic adnotandum est discrimen quod in-
 " tercedit inter utramque professionem; cum
 " prima contineat fidem quæ Domino debetur
 " a vassallo, altera verò obedientiam canoni-
 " cam."—*L. 6. c. 3.*

He resumes the subject *l. 6. c. 7.* and hav-
 ing mentioned the novelty introduced in the
 council of Constantinople, held under Adrian
 " the

the Second in the year 870, which declared that metropolitans ought to receive their confirmation from their respective Patriarchs, either by imposition of hands, or the grant of the pallium, the Archbishop proceeds, "Post devoratam ab Europæ metropolitani pallii accipiendi necessitatem, quæ a concilio 8vo. firmata est canone, novas dein conditiones sibi à summis pontificibus impositas, coacti sunt amplecti. Primum enim eò res devenit ut coacti sint scripto polliceri subjectionem et obedientiam apostolicæ sedis, et per omnia, præcepta ejus canonicè sequi. Novus ejus juris repertor fuit Bonifacius Moguntinus in synodo ab eo celebrata anno 742, ut discimus ex ejus epistola ad Cuthbertum. Antea enim metropolitani nulla alia lege tenebantur, quam ut fidei suæ professionem emitterent, et observationem canonum com-provincialibus episcopis pollicerentur in sua consecratione. Nullam porrò obedientiæ sponsonem faciebant; quam adeo alienam a prisco more censebat Leo 1^{mus}. ut ad Anast. Thessalonicensem episcopum scribens, in causa Attici episcopi, à quo Anastasius similem sponsonem exegerat, dixerit in ea signum injuriæ contineri. At post Bonifacium, nova clausula huic professioni addita

R 2

" est,

" est, quâ videlicet subjectionem et obedi-
 " tiam Romano episcopo promitti invaluit;
 " ut videre est in veteri formula, quæ Caroli
 " Calvi ætate in usu erat. *Beato verò Petro*
 " *et vicario ejus debitam subjectionem et obedi-*
 " *tiam, suffraganeis verò nostris adjutorium me-*
 " *exhibiturum profiteor.* Illa nihilominus obe-
 " dientia ad observationem canonum coer-
 " cetur: id est, promittunt metropolitani se
 " summo pontifici obedituros juxta canones,
 " hoc est, quoties jussa ejus canonum statutis
 " continentur: *per omnia, præcepta Petri ca-*
 " *nonicè sequi.* Hanc enim esse horum verbo-
 " rum vim docet ipse Zacharias Papa, ad Bo-
 " nifacium scribens: *nec enim, inquit, ab hac*
 " *apostolica sede, illa diriguntur, quæ contraria*
 " *esse patrum, sive canonum statutis inveniantur.*
 " Bonifacius verò, qui sponfionis hujus vim
 " intelligebat, eandem in propria causa adhi-
 " buit clausulam, quum eam sponfionem Za-
 " chariæ faceret pro Archiepiscopatu Mogun-
 " tino: *sicut prædecessorum vestrorum pro aucto-*
 " *ritate S. Petri servi devoti, et subditi obedi-*
 " *tes, et subditi sub jure canonico:* inquit ille in
 " Ep. 132 ad Zachariam."

" Gregorius 7^{us}. formulam veterem auxi-
 " quibusdam clausulis, quæ illam obedi-
 " tiæ sponfionem prorsus convertunt in jur-

" mentum

" *mentum fidelitatis quod vassallus Domino suo*
 " *præstare tenetur.* Hujus juramenti formu-
 " *la extat in eo, quod Patriarcha Aquileiensis*
 " *eidem pontifici præstitit in synodo Romana,*
 " *anni 1079, in quo vetus quidem clausula o-*
 " *bedientiæ canonicæ omissa non est, canonicè*
 " *obediam; sed insuper fidelitatem his verbis*
 " *pollicetur, quibus eam vassallus Domino suo*
 " *polliceretur: non ero in consilio, neque in facto,*
 " *ut vitam aut membra aut papatum perdant aut*
 " *capti sint mala captione.* Preterea promittit
 " *se conservaturum Regulas sanctorum Patrum,*
 " *ut habet vera lectio hujus loci.*

" Cæterum ea formula vim juris communis
 " *obtinuit, et in libris decretalium descripta*
 " *est. Adeo autem principum jura violavit*
 " *hæc formula, ut cum Gregorius summo jure*
 " *usurpasset dominationem in omnes metropo-*
 " *litanos, in alia deinde synodo prohibuerit ne*
 " *quis episcopus homagium Regibus præstaret.*
 " *Quod à successoribus ejus Urbano 2do. Pas-*
 " *chali 2do. confirmatum est. Attamen cum*
 " *Gregorius Septimus non ignoraret canones*
 " *octavæ synodi, quibus utitur adversus in-*
 " *vestituras principum, potuit animadvertere*
 " *canonem octavum ejusdem synodi prohibere*
 " *ne patriarchæ ab episcopis aliam sponfionem*
 " *exigerent, quam eam quæ fieri consueverat,*
 " *nimirum*

" nimirum illos veram fidem servaturos. Oc-
 " casio hujus prohibitionis nata est ex eo quod
 " patriarchæ C. P. novam consuetudinem in-
 " vexerant *ad propriam tutelam*, ut promissa ac-
 " ciperent ab episcopis quos ordinabant. Quo-
 " niam *legitimi patriarchæ*, inquit canon 8, con-
 " cilio 8, *a sacerdotali catalogo propriæ manus*
 " *scripta facere ad propriam tutelam, favoremque*
 " *suum, et quasi stabilitatem exigunt et compellunt;*
 " *visum est huic et universali synodo, nequaquam id*
 " *ex hoc à quopiam fieri; excepto eo quod secundum*
 " *formam et consuetudinem pro sincera fide nostra,*
 " *tempore consecrationis episcoporum exigitur.* For-
 " mula professionis fidei metropolitanorum Ori-
 " entis, qua pollicentur se observaturos canones
 " et pacem ecclesiasticam, et in omnibus sequi
 " auctoritatem sui patriarchæ, extat in lib. 6,
 " juris Græco-Romani. Sanè nova hæc ju-
 " ramenti præstatio visa est admodum dura
 " Hungaris, anno 1102, quam non esse con-
 " sentaneam canonibus asseriebant: adeo ut
 " *Rex et regni magnates prohibuerint, ne metro-*
 " *politani illud juramentum præstarent, eo*
 " *prætextu, quod ad officium illud non adige-*
 " *rentur auctoritate conciliorum.* Ad quæ
 " Paschalis 2^{us}. reposuit, ecclesiam Romanam
 " non subjici decretis conciliorum, quibus
 " ipsa addit auctoritatem. At secretarius
 " ejus

" ejus mirabilis technæ artifex fuit, ut tenebras
 " offunderet oculis Hungarorum, nimirum,
 " quatuor concilia harum rerum formam præ-
 " scripſiſſe: *quibus tamen, inquit, quatuor conciliorum decretis dandi pallii modus præfixus eſt, et profeſſionis vel obedientiæ ordo ſancitus eſt.*"

In book 8, c. 21, the Archbishop returns to the ſame ſubject. " Satis viſum non eſt Gregorio 7^o. quod inveſtiturarum uſum prohibuiſſet; ſed præterea vetuit, ne clerici hominibus magia regibus præſtarent: *ut clericus a laico nunquam juſtificetur, inquit, nec pro terra, nec pro aliis rebus, quas ab illo teneat, nec ſibi hominum minatum faciat: ſed omnino, quæ ab eo tenet, ſibi, antequam ullam patiatur injuriam, dimittat.* Hanc prohibitionem in concilio Cleromontano renovavit Urbanus 2^{us}. his verbis. *Ne episcopus vel ſacerdos, Regi vel alicui laico in manibus ligiam fidelitatem faciat.* Hujus autem prohibitionis decernendæ, quam in concilio Romano idem Urbanus renovavit, quænam rationes fuerint aperit Rogerius Hovedenus. Ait enim Papam in ea ſynodo diſſeruiſſe, execrabile proſus eſſe, ut manus, quæ eò honoris et dignitatis pervenere ut ſigno ſuo Deum creent, qui creavit univerſa, quæque eum offerunt Deo Patri pro omnium hominum ſalute, quod ipsis quoque angelis non licet ;

"cēt; indignum, inquam, prorsus esse, ut hæ
 "manus, ad eam seu socordiam seu ignaviam
 "dimittantur, ut imperio subjiciantur earum
 "manuum, quas noctu et interdiu coinqui-
 "nant obscæni contactus, rapinæ, et injusta
 "effusio humani sanguinis. Eodem quoque
 "argumento usus est Paschalis 2^{us}. in collo-
 "quio Catalaunensi, legatos Henrici Impe-
 "ratoris alloquens. Nam isdem Papa præde-
 "cessorum suorum statutis æmulatus, eandem
 "prohibitionem revonaverat in concilio La-
 "teranensi: *Patrum nostrorum decreta*, inquit,
 "*renovavimus; sancientes et interdicientes, ne*
 "*quisquam omnino clericus, hominum laico se-*
 "*ciat.*"

"Verum his prohibitionibus nequaquam
 "obsecuti sunt Galli, neque Angli, neque
 "Germani."—See on this subject Thomassin,
Ancienne et Nouvelle Discipline de l'Église, Part.
 ii. Liv. ii. c. xliv. xlv. xlv.

No. V. Page 44.

In shewing that Mr. Milner's argument
 would prove that Catholics ought to take the
 oath of supremacy, I do not mean to insinuate
 that the same objections prevail against this
 as against the oath of the pontifical. I have
 proved that the latter can bear no other sense
 than

than that of an absolute oath of allegiance and fealty, and that it was so understood by Gregory the 7th, Paschal the 2d, Urban the 2d, and Gregory the 9th; nor has any subsequent Pope declared it to have any other meaning. The oath of supremacy, on the contrary, has been by authority declared not to give to the crown any part of that spiritual power which is derived to the ministers of the gospel from divine authority. When by the act of the 1st of Elizabeth the oath of supremacy was ordered to be taken, the ascribing to the queen the *sole supreme government in all causes and things spiritual and ecclesiastical*, gave great offence to many protestants, as well as to the general body of catholics. It appeared to them, that by this law the queen assumed to herself that spiritual commission which was delivered by Christ to the ministers of his church, to be exercised only by them. To obviate this objection, the queen, soon after the act passed, in a body of injunctions which she set forth, declares, "That she never will challenge any other authority than that which was enjoyed by Henry the Eighth and Edward the Sixth, and was of ancient time due to the imperial crown of this realm; that is, under God, to have the sovereignty

S,

"and

"and rule over all manner of persons born
 "within these realms, dominions and coun-
 "tries, whether they be ecclesiastical or tem-
 "poral, so as no foreign power ought to have
 "any superiority over them." By an act
 passed in the 5th of Elizabeth, c. 1, the oath
 was ordained to be taken *in the sense of this her
 majesty's injunction*. About this time, Fecken-
 enham, who had been abbot of Westminster,
 stated his objections to the oath, which he
 refused to take when tendered to him. He
 was answered by Horne, bishop of Winchester,
 who was replied to by Stapleton. Feck-
 enham, in his objections, understands the words
 of the oath in the full extent of their mean-
 ing, and thence deduces, that whoever takes
 it must renounce all spiritual power in the
 church, independent on the will of the prince.
 This Horne denies, and to prove his position
 distinguishes two sorts of ecclesiastical juris-
 diction, the one *cohibitive*, the other *not cohi-*
bitive; the latter is "that which worketh in
 "the inward and secret court of conscience;
 "that is, preaching of the gospel, ministration
 "of the sacraments, and the absolving and re-
 "taining of sins." This he calls not cohibi-
 tive, "because no man in the court of con-
 "science is bound or loosed unwillingly, or
 "against

“against his will.” This jurisdiction he denies to any but ministers of the gospel lawfully called. “Jurisdiction cohibitive hath two parts; one consists in the exercise of excommunication, and circumstances thereunto required by Christ’s institution,” which power or jurisdiction he denies to the prince. “The other kind of cohibitive jurisdiction is a power which is exercised in *foro causarum*, in the court of causes, and appertaineth *ad externum et publicum forum*, to the external and public court.” This last authority he declares to depend upon the positive laws of Christian magistrates, and not immediately upon the law of God; and this alone he contends is ascribed to them by the oath. Stapleton in his reply totally rejects this distinction of power, and contends that by the words of the oath all spiritual jurisdiction whatsoever is given to the crown. Nor is he inclined to be satisfied with that strictly spiritual power which Horne ascribes to the ministers of the church. He had imbibed the highest notions of the Papal prerogative, and contends that a strictly coercive power belongs to the bishops of the church, and consequently in a particular manner to the bishop of Rome—See *Coun-*

terblast to Mr. Horne's *Vain Blast*, p. 420. et seq.

It is remarkable that in all this controversy no notice is taken of the queen's injunction, and explanation of the oath being ratified by parliament: it is even only once mentioned by Stapleton in his preface, where he says that no stress is to be laid upon it, for an *injunction cannot limit an act of parliament*. But what is still more extraordinary, Collier (*Eccl. Hist.* vol. ii. p. 433.) after reciting the injunction, says, *that if it had been passed into an act of parliament, or the same explanation at least been made by succeeding princes, it might possibly not have been unserviceable*.

The minds of all the Catholic writers during the reign of Elizabeth, were too much heated to admit of any explanation of an oath, which they had at first refused; besides, the amazing extent to which they carried the papal prerogative, would not permit them to give to the crown any jurisdiction, to which they could in any sense affix the terms *ecclesiastical* or *spiritual*. The absolute renunciation of all real spiritual authority in the prince, contained in the 37th article of the Church of England, they totally disregarded. And when in the next reign, an oath was framed by the
directions

directions of the king, in which all ambiguity of the nature complained of in the former, was avoided; although many Catholics at first took it, it was opposed soon after by the majority, and the chief objection alledged, was the denial of any indirect power in the Pope over the temporals of princes.

James in his masterly apology for this oath of allegiance, which he dispersed throughout Europe in French, complains that Bellarmin in writing against it, confounds it with the oath of supremacy. Of the latter he expresses himself in these words, *Et en effet ce serment la contient seulement un pouvoir absolue du Roi porur juger toutes personnes tant civiles q'ecclésiastiques, toutes puissances foranies et etrangeres, excluses de cette autorite, au dedans de ses terres et seignuries.* (p. 67.) And in his address to the Emperor Rodolphus, and the other Christian princes, prefixed as a preface to his apology, he says of the Pope, *Au nom de Dieu, qu'il soit tant qu'il voudra le premier entre tous les eveques, voire le Prince des eveques, pourveu que ce ne soit point autrement que St. Pierre etoit le Prince des apotres.* (p. 48.)

In a subsequent reign, Dr. Bramhall, the learned bishop of Derry, and afterwards archbishop of Armagh, wrote a treatise entitled

Schism

Schism guarded, in which he treats fully of the nature of the supremacy attributed to the crown, and denied by the oath to any foreign prelate. In Sec. 1. c. 9. he says. "But I expect it should be objected, that besides the statutes, which concern the patronage of the English Church, the legislative, the judiciary, the dispensative power of Popes, there are two other statutes made by Henry the VIIIth, the one an act for extinguishing the authority of the Bishop of Rome, the other an act for establishing the king's succession in the crown, wherein there is an oath that the Bishop of Rome ought not to have any jurisdiction, or authority in this realm. (28 Hen. 8. c. 10. 35 Hen. 8. c. 5.) And that it is declared in the 37th article of our Church, that the Bishop of Rome hath no jurisdiction in this kingdom of England. And in the oath ordained by queen Elizabeth, that no foreign prelate hath, or ought to have, any jurisdiction or authority, ecclesiastical or spiritual, within this realm."

"I answer this objection in three ways. First as to the two laws of Henry the VIIIth, they are both repealed long since by queen Mary, and never were restored by any succeeding prince."

"Secondly,

"Secondly, I answer according to the
 "equity of my second ground, that although
 "it were supposed, that our ancestors had
 "over-reached themselves, and the truth in
 "some expressions; yet that concerns not us
 "at all, so long as we keep ourselves exactly
 "to the line and level of apostolical tradi-
 "tion."

"Thirdly, and principally I answer, that
 "our ancestors meant the very same thing
 "that we do. Our only difference is in the
 "use of the words, *spiritual authority or jurif-*
 "*isdiction*, which we understand properly of
 "jurisdiction purely spiritual, which extend-
 "eth no farther than the court of conscience.
 "But by spiritual authority or jurisdiction,
 "they did understand ecclesiastical jurisdic-
 "tion in the exterior court, which in truth
 "is partly spiritual, partly political; the
 "interior habit which enableth an ecclesi-
 "astical judge to excommunicate, or absolve,
 "or degrade, is really spiritual, but the exte-
 "rior coercion is originally political. So our
 "ancestors cast out external, ecclesiastical,
 "coactive jurisdiction, the same do we: they
 "did not take away from the Pope the power
 "of the keys, or jurisdiction purely spiritual;
 "no more do we."

"To

" To clear the whole business, we must
 " know that in bishops there is a threefold
 " power; the first of order, the second of in-
 " terior jurisdiction, the third of exterior
 " jurisdiction. The first is referred to the
 " consecrating, and administering of the sacra-
 " ments, the second to the regimen of Christi-
 " ans in the interior court of conscience,
 " the third to the regimen of Christian people
 " in the exterior court of the Church. Con-
 " cerning the two former I know no contro-
 " versy between the Church of Rome and us
 " but one, whether the Bishop of Rome alone
 " do derive his jurisdiction immediately from
 " Christ, and all other bishops do derive theirs
 " immediately from him? Yet I confess this
 " controversy is but with a part of the Church
 " of Rome: for many of them are of our
 " mind, that all bishops hold their jurisdiction
 " immediately from Christ, as well as the
 " Pope. The third power of bishops, is the
 " power of exterior jurisdiction in the court
 " of the church, whereby men are compelled
 " against their wills by exterior means. This
 " the apostles had not from Christ, nor their
 " successors from them, neither did Christ
 " ever assume any such power to himself in the
 " world, *My kingdom is not of this world:* and,
 " Men,

*"Man, who made me a judge or divider over
"you?"*

"All that power which ecclesiastical judges
"have of external coaction, they owe it
"wholly, either to the submission of the par-
"ties, where the magistrate is not christian,—
"or where the magistrate is christian, they
"owe it to his gracious concessions.—Now
"to apply this to our purpose. Wheresoever
"our laws do deny all spiritual jurisdiction
"to the Pope in England, it is in that sense
"that we call the exterior court of the church,
"the spiritual court; they do not intend at
"all to deprive him of the power of the keys,
"or of any spiritual power that was be-
"queathed unto him by Christ or by his apo-
"stles, when he is able to prove his legacy.

"Whatsoever our laws did divest the Pope
"of, they invested the king with it; but they
"never invested the king with any spiritual
"power or jurisdiction, witness the injunc-
"tions of queen Elizabeth, witness the public
"articles of our Church, witness the pro-
"cessions of king James; witness all our sta-
"tutes themselves, wherein all the parts of
"the papal power are enumerated, which are
"taken away; his encroachments, his usur-
"pations, his oaths, his collations, provisions,
T pensions,

"pensions, tenths, first-fruits, reservations,
 "palls, unions, commendams, exemptions, dis-
 "pensations of all kinds, confirmations, li-
 "cences, faculties, suspensions, appeals, and
 "God knoweth how many pecuniary artifices
 "more, but of them all there is not one that
 "concerneth jurisdiction purely spiritual, or
 "which is an essential right of the power
 "of the keys. They are all branches of the
 "external regimen of the Church, the greater
 "part of them usurped from the crown;
 "sundry of them from bishops, and some
 "found out by Popes themselves, as the pay-
 "ment for palls, which was nothing in St.
 "Gregory's time but a free gift, or libera-
 "lity, or bounty, free from imposition or
 "exaction."

I will add an extract from a manuscript of
 Lord Chief Justice Hale, entitled *Preparatory
 Notes touching the Rights of the Crown.* c. 18.

Speaking of the powers of the king, he says:
 "Now touching these powers of government,
 "I shall begin with his power ecclesiastical,
 "and in matters ecclesiastical."

"This power is double according to the
 "usual distinction, viz. the power of order.
 "Such was anciently the power of episcopal
 "order to make priests, consecrate churches
 "and

“and altars, make chrifins, &c. The power
 “of priest’s orders to celebrate, &c. This
 “was obtained by the consecration into that
 “order. The other power was that of *juris-*
 “*dition*. This the bishop had by confirma-
 “tion, and it was communicable to persons of
 “inferior order. Such was their power of de-
 “privation, suspension, and other ecclesiastical
 “censures or judgments; and the power of
 “their keys, viz. excommunication and abso-
 “lution. This latter power of jurisdiction,
 “viz. *Potestas clavium*, was double, in respect
 “of the double effect it had, viz. 1. *In*
 “*foro interno* upon the mind and conscience.
 “2. *In foro exteriori*, as it introduced some
 “civil change in the person upon whom
 “exercised; as being by the one excluded
 “*a cætu vel commercio fidelium*, by the other
 “admitted into the same.”

“Now according to the premises, I shall
 “consider, 1. Where the original of this
 “resided in the first beginning thereof.—
 “2. How the practice of the ecclesiastical
 “jurisdiction went till the 26th of Henry the
 “VIII. 3. How it went after.”

“As to the first, I conceive it to be clear.
 “(1.) That the power of ecclesiastical or-
 “der is not derived from the crown. Neither

“ is it so conceived to be; but so much as is
 “ not superstitious is derived from Christ.

“ (2.) The determination of the exercise
 “ of these powers of order, to time, place,
 “ person, manner of performance, is derived
 “ from the crown. *Exempli gratia*, the pre-
 “ scribing who should be a bishop, and the
 “ extent of his diocese, and the circumscrip-
 “ tion of him, under pain of a contempt,
 “ to act his powers of order within those li-
 “ mits; these are powers inherent in the
 “ crown.”

“ (3.) The power of the keys *in foro con-*
 “ *scientiæ*, which is not properly a jurisdiction;
 “ because it is without any exterior coercion
 “ or change in the party. This is not de-
 “ rived from the crown, but from a higher
 “ commission.”

“ (4.) All power of external jurisdiction
 “ is originally in the king, either formally
 “ to exercise, or at least virtually to derive,
 “ which is evident.”

If the above explanations of the oath of
 supremacy, and of the power given by the
 laws of this realm to the crown, be admitted,
 it appears, that no power properly spiritual
 or which is supposed to be derived from di-
 vine commission, is given to the king, or
 denied

denied to any other person.—Consequently that a person after taking that oath, remains at full liberty to attribute that spiritual primacy and authority, to the pastors of his Church, which he is convinced is derived to them from the authority of Christ.—It does not appear, that from the time of queen Elizabeth, when this act passed, the sovereigns of this country have claimed or exercised any spiritual power.

When the Act passed for settling the government of Quebec, in the fourteenth year of his present Majesty, although the inhabitants of that province were not obliged to take the oath enacted in the first year of Elizabeth; yet the supremacy of the crown, as settled at that period, is asserted, notwithstanding the free exercise of the religion of the Church of Rome is established.—These are the words of the Act.

“ And for the more perfect security and
 “ ease of the minds of the inhabitants of the
 “ said province, it is hereby declared, that his
 “ Majesty’s subjects, professing the religion of
 “ the Church of Rome, of and in the said
 “ province of Quebec, may have, hold, and
 “ enjoy, the free exercise of the religion of
 “ the Church of Rome, subject to the King’s
 “ supremacy,

“supremacy, declared and established by an
 “Act, made in the first year of the reign
 “of queen Elizabeth, over all the dominions
 “and countries which then did, or thereafter
 “should belong, to the imperial crown of
 “this realm.”

In the opinion then of the legislature, which enacted this law, the King's supremacy does not militate against any known article of the religion of the Church of Rome, consequently not against the primacy of the bishop of Rome, which is acknowledged by the Canadians, as well as every other part of the Roman Catholic Church.

I do not pretend to give a decisive opinion on this subject, which has not, I think, been sufficiently attended to by the English Catholics. In the reign of Elizabeth, as I before observed, the minds of our writers were too much heated, to enter into a cool discussion of the meaning of the oath. Besides, their notions of church government were not accurate; neither Stapleton, nor Harding, nor Parsons, understood the distinction between the civil and the spiritual powers: they admitted the authenticity of the spurious decretals, with all the consequences deduced from them.

In the reign of James, the same exalted notions of the papacy prevailed, and Dr. Smith was censured at Rome, because, although he defended the deposing power of the Pope, he did not maintain that it was an article of faith. (*Answer to Bell's Challenge—Dodd, vol. 2. p. 489.*) During this and the subsequent reign, the minds of the Catholics were too much engaged in debates on the oath of allegiance, to think on that of the supremacy.

After the Restoration, in the reign of Charles the II. many Catholics took it. (*Dodd, vol. 3. p. 383.*) Since the Revolution, till lately, it has not been attended to: the Catholics paid no regard to an oath which was tendered by a government, to which they refused allegiance.

I refer the reader for further information on this subject to a short treatise entitled, *Reflections on the Oaths of Supremacy and Allegiance; by a Catholic Gentleman, an obedient son of the Church, and loyal subject of his Majesty.* Printed in 1661; the author was John Austin, a Lawyer, who died in 1669.

This Author, after stating the sense in which the oath of supremacy is understood by government, and Protestant writers, says,

p. 40;

p. 40; "Thus far of the sense, in which both
 "the most judicious among the English Pro-
 "testants have declared, and have been autho-
 "rised to declare, what power it is that by
 "the oath is deferred to the kings of Eng-
 "land, and renounced to be in any foreign
 "prince or prelate; viz. a civil political power,
 "wheresoever it can be exercised in any
 "causes ecclesiastical, &c. Against this there
 "is not extant a contradictory testimony of
 "any one Protestant writer: so that the Pro-
 "testant subjects of England do intend, and
 "judging that they have unquestionable
 "grounds to judge this only to be the sense
 "of the oath, in this sense only do they take
 "it, and require it to be taken by others."

In perusing this, and other works written
 in the last century on the same subject, it is
 impossible not to perceive the similitude in all
 times, of the situation of the unfortunate
 English Catholics. From the days of Eliza-
 beth, there has existed among us a party, which
 has been destructive of our welfare. More
 zealous to propagate the opinions and maxims
 of the court of Rome, than the genuine prin-
 ciples of the Catholic religion; more desirous
 of promoting the papal pretensions than the
 welfare of the English Catholics; these men
 have

have uniformly opposed every measure which tended to wipe off the aspersions thrown upon us, and to reinstate us in the good opinion of our fellow-subjects.

At the time in which this author wrote, they attempted to impose the doctrine of the deposing power on the Catholics, as an article of their faith. On this subject our author says, *p.* 69. "It is true, the teaching of such an *article of faith* brings very great temporal commodities to those few, that have the cruelty to their country to become the preachers and apostles of it: great favour and power they gain thereby abroad, and therefore, they will take it kindly at the hands of *English Catholics*, if for a mere secular advantage of theirs, they will be content to sacrifice their own estates, honours, families, and lives, as traytors, to the laws, and withal bring an unavoidable scandal to the Catholic religion besides. But truly this is too dear a rate to be paid for such a commodity."

I must beg the indulgence of my readers, for giving another extract from the same author; they will perceive, that he strongly recommends the framing an oath, which all Catholics may take, without violation of their reli-

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gion;

gion; and they will see that I am not the first *layman*, who has proposed the establishment of a regular church government for the Catholics of this kingdom.—“Surely it is
 “of greater concernment now for his Majesty’s security, to unite all Catholics with
 “one heart to assist and defend him, by casting out all principles of disloyalty, inconsistent both with Catholic and Protestant religion.”

“Now what more efficacious mean, or rather what other mean is there for this, than that which his Majesty may, if he please, confer upon them, by allowing such an *ecclesiastical government* among them, by which there will be produced a true christian-unity and uniformity both in opinions and practices, and consequently by which, without giving the least jealousy, but on the contrary, very great security to the state, they may all be united to concur in promoting his service?”

“Now to what special parties, both within and without, the continuation of a defect so prejudicial is to be imputed, is but too well known. It is not to be doubted but that the forementioned party will make use of all their skill and power to oppose all good correspondence among them upon more than
 “one

"one motive. For, 1. A strong affection
 "which they have to *independence*, and to a
 "promoting of their particular interests di-
 "videdly from all others, (by which means
 "they have got great power abroad, little for
 "the public good of this kingdom;) this will
 "make a *common union* unwelcome to them. 2.
 "And again they will see that by this only
 "means those wicked *principles of disloyalty*,
 "which have made them heretofore eminent
 "abroad, must necessarily then be renounced.
 "They will no longer be looked upon as
 "the only *apostles* of a foreign *temporal power*,
 "either *direct*, or, (which is as bad,) *indirect*;
 "the enormous *writings*, and worse *practices*
 "of their *forefathers*, which only procured
 "the continuation of the *oath of supremacy*,
 "and the framing of that of *allegiance*, together
 "with the sharp laws, not against them alone,
 "must be condemned to the same fate that
 "they have suffered in other kingdoms; and
 "lastly, an advantage of corrupting good
 "English natures, with maxims of morality
 "odious to all Christendom, and condemned
 "by supreme authority, will be taken from
 "them."

"These cannot chuse but prove unto such
 "dispositions very great mortifications, and

“ as great as any of these would be the fram-
 “ ing of *oaths* which all good Catholics could
 “ securely take. For it is well known that
 “ they have been publicly told, that it is for
 “ their advantage only that such *oaths* are im-
 “ posed here, as cannot generally be taken,
 “ and that worse news cannot come to their
 “ brethren abroad, than that such *oaths* were
 “ taken away from Catholics: because they
 “ have a strong apprehension that themselves
 “ having been the sole causes of those rigours
 “ against the whole body of English Catholics
 “ shall have but a small portion in any future
 “ indulgence, without an explicit, satisfactory
 “ renunciation of their principles, and an asser-
 “ tion given to teach the contrary, as they
 “ were obliged by an *arrest* of the *parliament*
 “ of *Paris*, A. D. 1626.”

“ And that this was no suspicion ground-
 “ lessly taken or invented, there was produced
 “ a well known verified story happening towards
 “ the latter end of Queen Elizabeth’s reign
 “ for that queen being at last satisfied of the
 “ loyalty of certain Catholic priests, had a pur-
 “ pose to shew some indulgence and qualifica-
 “ tions of the laws to them. Hereupon cer-
 “ tain of their brethren went to *Rome*, to carry
 “ such good news thither, whither being come

“ they

"they were by that *party* branded with the
 "names of *schismatics, spies, and rebels to*
 "*the See Apostolic.* And moreover there was
 "one of the *party* (T. F.) compiled a *treatise*
 "*in Italian* to advise his Holyness, that it was
 "not good or profitable to the Catholic cause, that
 "any liberty or toleration should be granted by the
 "state of England to Catholics. And why not
 "good for the Catholic cause? Because not for
 "their own interest: for having been persons
 "never formerly admitted by public authority
 "into this kingdom, and having given sad
 "proofs of their temper, they did not without
 "reason suspect, that if only good loyal Catho-
 "lic subjects were tolerated, their so danger-
 "ous, and to themselves only advantageous
 "principles, must be abandoned."

"It is not therefore to be expected, but that
 "a charitable concurrence of several ecclesi-
 "astical pastors here, would be to them very
 "unwelcome. But the commodities and be-
 "nedictions flowing therefrom are inexpressi-
 "ble. For 1. Though perhaps by a hindrance
 "thereby given to that party's divided way of
 "agitation here, the number of Catholics a-
 "mong us might come to be diminished; yet
 "then there would be none but good, chari-
 "table, and obedient Catholics in England,
 free

" free from all intelligence or designs abroad.
 " 2. Matters of discipline and spiritual govern-
 " ment would not be only and immediately
 " ordered by a *court* too far distant from us,
 " and too much suspected by the state here.
 " 3. English Catholics would be freed from a
 " burthen, (and the king from jealousies) to
 " which no other in the world are obnoxious.
 " For in France, &c. none dare, under
 " utmost penalties, execute *orders*, or publish
 " *mandates*, without express allowance from
 " the *state*, though such briefs touched only
 " spiritual matters. Whereas in England,
 " whensoever any such briefs are published at
 " Rome, although upon information of one
 " interested party, there being no settled cor-
 " respondence of *pastors*, to whom they ought
 " in *common* to be directed, and by them com-
 " municated to their respective flocks, not on-
 " ly the consciences of particular Catholics
 " are disquieted, whilst some of *their directors*
 " *press the validity of them*, and others reclaim:
 " but the *state* also, not causelessly, entertains
 " jealousies and suspicions of secret practices,
 " not being at all, or not sufficiently inform-
 " ed. All which inconveniences by such a
 " *government* would be easily avoided. 4. Last-
 " ly, by this means Catholics would be ena-
 " bled

"bled to receive from his majesty any orders
"that may be for his service, and effectually
"put them in execution."—P. 80.

No. VI. Page 45.

BESIDES the Bulls which commanded heretics to be burnt openly and alive, there were other regulations which decreed the confiscation of goods, and the demolition of houses in which a heretic was found; required a pecuniary security from every suspected person, of abiding in the orthodox faith; declared a sentence given in favour of a person accused of heresy, but found innocent, not to be definitive, so as to bar a second trial on the same proofs; and that any person who should offend or threaten an officer, or even a witness of the inquisition, should be punished capitally, his goods confiscated, his children declared infamous, and incapable of succeeding others by will, *with other clauses of most cruel temerity, comprehending also titular persons and princes.*—
Fra. Paolo Sarpi Hist. of the Inquisition.

Such were the pontifical ordinances. I ask, whether a person who swore *persequi*, to pursue or to prosecute, according to such regulations, did not in truth swear to *persecute*?
Popes attempted to introduce this inquisitorial
code

code into states not dependant on their own territories; but fortunately for justice and humanity, the spirit of the magistrates generally prevailed in thwarting their endeavours. However, to a vassal who bound himself by an oath of homage and liege fidelity, such ordinances had force of law, and he was solemnly engaged to carry them into execution. Among the statutes enacted in this country, against persons living in communion with the See of Rome, several are sanguinary; and the State Trials, as well as Dodd's Compilation, too lamentably prove with what rigour they have been executed. But, besides these bloody laws, will Mr. Milner recollect none of a persecuting nature? Penalties, disabilities, forfeitures, either for following their own religion, or not conforming to the religion of the state, does he not consider these as *persecution*?—Penal statutes, forcing themselves *without the formality of an action, or even the intervention of an informer*, into continual execution, do not indeed kindle a flame round a trembling victim, but can they be said not to *persecute* him? The man who robs me of my bread, is guilty of violence; but is the man who debars me from earning it, exempt from injustice? Let Mr. Milner reason concerning

cerning penal statutes made in Catholic countries, as he reasons concerning them when enacted in the dominions of Protestants, and he will acknowledge that besides *burning at the stake*, there is many a cruel grinding mode of persecution.

We all remember a busy and notorious informer. That unprincipled mechanic brought the noble and virtuous Talbot into the Old Bailey, on an accusation of having worshipped his God according to the religion of his conscience. Laws which encourage the vilest wretches to inform against, and molest their inoffensive fellow subjects, are truly persecuting laws; and whether contained in the bulls of Popes, or in the statute books of Protestant kingdoms, they are equally an abomination to every sincere Christian. The magistrate, ecclesiastical or civil, who swears to prosecute by such laws, swears to carry on a system of persecution.

Of all the scandals brought on Christianity, there is none in which infidels triumph with so great exultation, as the asperity and cruelty, with which the professors of the gospel have treated each other, when a disagreement has happened concerning the interpretation of speculative doctrines; for in the rules

of morality, and the expectation of a future life, there has been no discordancy. The abuse began before three centuries had elapsed, and it spread rapidly, when the sovereigns of the earth had commanded their eagles to protect the cross.—Prompted by a mistaken zeal, they lent the aid of temporal laws to support a religion purely spiritual, in its origin, its tendency, its precepts, its rewards; and by a blind policy they decreed errors in belief, to be crimes against the state. The fatal consequences are known and have been felt, with aggravated weight, in every succeeding age. It seems the gracious view of providence, that the present times should remove the scandal of the past. For whatever laws may have formerly been enacted, in the various countries of Europe, against dissenters from the national religion, it is now universally admitted that they ought to be called no more into execution, by any act of government. To complete the glorious work of wisdom and philanthropy, it only remains to wipe away from every code of jurisprudence, those ancient stains of savage zeal and misguided policy. The Northern kingdoms, the Empire, France have set the example. Britain the most enlightened, and the

the freest of countries, ought no doubt to have set it. She will not at least be slow to imitate the liberality of other nations.

I was always charmed with the following passage in the benevolent and illustrious Bramhall. "No kingdom is destitute of necessary remedies for its own conservation. If all were of my mind, as I believe many are, I could wish that all the seditious opinions, and over-rigorous statutes, with the memory of them, were buried together in perpetual oblivion. I hold him scarce a good Christian, that would not cast one spadeful of earth towards their interment."

Among our present mitred senators, I am confident there are many not inferior to the bishop of Derry in wisdom, or in benevolence; and who therefore, must cordially wish for the repeal of every *over-rigorous statute*. When Bramhall wrote, one hundred and fifty years ago, there were recent causes of quarrel and complaint: but ancient animosities are now extinguished. The *seditious opinions* alluded to, have not at present an abettor. It is true, and to be lamented, that shortly after the Reformation, every effort was made by the court of Rome, to diffuse its pernicious maxims over this island. Their Transalpine

doctrines were propagated with unabating zeal; and every art and every menace, were unremittingly employed to stimulate the English Catholics, to abandon their loyalty, and disturb the government of the land. Some few imbibed the poisonous tenets, and drew destruction on their heads, by rash and treasonable attempts. But the body was never contaminated. If those victims of Roman ambition had fallen alone, their memory might have perished with the atonement made to violated laws; but their *sedition opinions*, carried into practice by the influence of a foreign power, exasperated the nation against every person who bore the name of Catholic, and subjected the innocent and the loyal, to the undiscerning rigour of disabling and sanguinary statutes. Whoever lived in communion with the See of Rome, was thought to be enslaved to the tyranny of the Roman court, and consequently a treacherous Englishman. The writings of Bellarmin industriously circulated in this kingdom, contributed to keep up the national prejudices, and were long deemed the standard of an English Catholic belief.

On a retrospective view of the two last centuries, if the English Catholics may feel

blush or a sigh, for the errors and misconduct of some of their ancestors, they will often have to glory in the steddiness of their principles, and the peaceableness of their behaviour, and at present they yield to none of their fellow-subjects, in reverence and attachment to the constitution of their country. They have sworn allegiance to their sovereign, and have recently protested, by an authentic instrument, against every prejudice, that could raise a suspicion, of their not being guided in social and political duties, by the same principles as other Englishmen. If a shadow of doubt remains about their sincerity, it arises from the pontifical oath, and the government by Apostolic Vicars. Neither is essential to their religion; the first may be dropped, and the latter altered without difficulty. Can he then be a good Christian, who will refuse to *cast this last spadeful of earth towards the interment of ancient jealousies and suspicions?*

No. VII. Page 52.

When a definition of a council is adduced in the support of any doctrine, the whole of the canon should be quoted; at least no part should be omitted, which essentially restrains the meaning. Mr. Plowden has not attended to

to this in the mutilated quotation he has made from the council of Florence. Immediately after the words quoted by him are the following.

"Quem ad modum et in actis œcumenicorum conciliorum, et in sacris canonibus continetur:" or, "Juxta eum modum qui et, &c. According to the rules enacted in general councils and in the holy canons."

See Hooke's *Principia*, T. 3. p. 374. Natalis Alexander, T. 25. p. 428, *Octavo edition*. The

latter author, speaking of this canon, says,

"Ecclesiæ pascendæ, regendæ, ac gubernandæ

"rationem et formam ad eum modum re-

"stringit, qui sacris canonibus præscriptus

"et constitutus est: ex quo sequitur ipsum

"Pontificem canonibus subiectum esse. Non

"enim sic legi debet laudatus Florentinæ

"definitionis fidei locus, ut vulgo legitur,

"*Quemadmodum etiam in actis conciliorum œcu-*

"*menicorum, et in sacris canonibus continetur,*

"sed sic, *Quem ad modum et in actis œcumeni-*

"*corum conciliorum, et in sacris canonibus con-*

"*tinetur.*" He quotes among those who have

given the true reading, Biondi, secretary to

Eugenius the IVth, L. 3. Decad. 10.—Marcus

Vigerius in *Decachordo*.—Bishop Fisher,

Art 25. contra Lutheranas assertiones. Joannes

Eckius, L. 2. de primatu S. Petri, c. 25.

Albertus

Albertus Pighius, L. 4. de hierarchia ecclesiæ, c. ult.---Natalis Alexander then shows, that it is evident from the acts of the council, particularly from the ninth and last sessions; 1st. That the primacy attributed in the canon to the bishop of Rome, *was such a primacy as the Greeks allowed him, who affirmed openly and repeatedly in the council, that the universal Church was above the Pope, and that the papal prerogative was limited by the canons.* 2dly. That the Greeks would never subscribe to that unqualified, unlimited primacy, which Eugenius and some of the Latins were desirous of attributing to the Roman See, and of inserting in the canon. In the ninth session the Greeks delivered their sentiments on the primacy in these words: "De primatu Papæ sic est constitutum, ut quæcumque habebat ab initio et ante schisma, privilegia, rursus hæc ipsa habeat." This profession did not satisfy Eugenius, who wished to draw from the Greeks an acknowledgment of a more extended prerogative; but he did not succeed. The Greeks delivered again, in the same session, their tenets on the supremacy, after a debate in a select committee of Latin and Greek divines, and after a diligent search made into the acts of councils.---"De primatu

"matu Papæ fatemur ipsum summum Pon-
 "tificem, et procuratorem, locum gerentem,
 "ac vicarium Christi, pastorem et doctorem
 "omnium christianorum, regentem et guber-
 "nantem Dei ecclesiam, *salvis privilegiis et*
 "*juribus patriarcharum orientis.*" After this,
 a draught was made of a *decree of union*, and
 presented to the Greek Emperor. He ob-
 jected to the words in it, by which it was
 signified that the Pope held his prerogative,
juxta determinationem sacræ scripturæ et dicta
sanctorum: and insisted on these words being
 changed for the following, *juxta tenorem cano-*
num. After a demur of two days or more,
 "Græci, habita deliberatione, scripserunt ha-
 "benda esse a Papa sua privilegia juxta
 "canones et dicta sanctorum, sacramque scrip-
 "turam, et acta synodorum; hancque de-
 "clarationem Cardinalibus tradiderunt. Po-
 "stridiè Cardinales ad Imperatorem reversi,
 "decretum unionis *emendatum* ipsi exhibue-
 "runt, cui cum placuisset," &c. Nothing,
 therefore can be more evident, than that the
 words in the Florentine canon, *Quem ad*
modum et in actis conciliorum, &c. were inserted
 purposely to satisfy the Greeks, who would
 not subscribe to the unlimited plenitude of
 power, which some were desirous of attributing

to the Pope. They uniformly contended, "*habenda esse a Papa sua privilegia juxta canones, et salvis privilegiis et juribus patriarcharum orientis.*" They consequently were intended to convey this idea; *that the papal prerogative is not unlimited and absolute, but subject to the regulations of the canons, and to be exercised conformably to the decrees of general councils.* This canon, therefore, so often quoted by the Bellarminians, when fairly and accurately stated, proves the direct contrary of what Mr. Plowden has endeavoured to establish.

See also Rollin's *Belles Lettres*, T. 1er. *De l'étude de la langue Grecque*, Art. 1.

That the true reading and meaning of this canon are such as I have represented them, will appear from the following quotation from *De Marca*, L. 8. c. 8.

"Attamen egregium Conc. Florentini locum prætermittere non debeo, petitum e decreto unionis Græcarum ecclesiarum cum Romana; quo summa Pontificis auctoritas, et canonum observatio, simul vindicantur. Unde patebit, injustam esse adversus ecclesiam Gallicanam expostulationem eorum, qui principatum sedis Apostolicæ lædi existimant, cum novis rescriptis antiqua jura opponuntur. Sed ante omnia, rei gestæ

Y

"ordo

"ordo pandendus est. Cum in unam sen-
 "tentiam Græci cum nostris de processione
 "S. Spiritus ex Patre et Filio tanquam ex
 "unico principio convenissent, disceptatum
 "est de Purgatorio, de Azymo, de formula
 "consecrationis Eucharistiæ, et de primatu
 "Papæ. Eugenius coram Imperatore Græco,
 "et ejus metropolitanis, primatûs jura per
 "Joannem de Montenigro provincialem Fra-
 "trum Prædicatorum explicari curavit. Tum
 "collatione habitâ, Græci scripto sententiam
 "suam ediderunt, confitentes, *Papam esse sum-
 "mum Pontificem, vicarium Christi, omnium
 "christianorum pastorem et magistrum, cum jure
 "administrandæ ecclesiæ Dei, salvis privilegiis et
 "juribus patriarcharum orientis.*"

"Cum describeretur decretum unionis, Pa-
 "læologus Imperator noluit illud solo Eugeni
 "nomine concipi; addi postulans, id consensu
 "suo et patriarcharum factum, quod obtinuit
 "statim. Diutius contendendum fuit de re-
 "liquis verbis decreti: quæ privilegia Papæ
 "tribuebant, *ut habeât illa juxta determinati-
 "onem sacre scripturæ, et dicta sanctorum.*
 "Effusa nimis esse dicebat Princeps verba
 "illa, quæ Papæ privilegia ad dicta sanctorum
 "referebat. *An si quis sanctorum,* inquit, *is
 "epistola honorat Papam, excipiet hoc pro pri-
 "vilegio?* Itaque significavit Eugenio, aut
 "verba

"verba illa delenda, aut sibi de reditu cogi-
 "tandum. Tractatu habito cum Cardinali-
 "bus, qui se non aliunde melius primatum
 "asserere posse, quam *ex scriptis sanctorum*;
 "Imperator respondit, *non secundum dicta*
 "*sanctorum*, sed *juxta tenorem canonum*, pri-
 "matum esse explicandum. Altera die,
 "Cardinales, Archiepiscopi, et quam plu-
 "rimi docti viri adeunt Imperatorem, et
 "orientales episcopos; quibus Julianus Car-
 "dinalis persuadere conatus est, ut admitt-
 "erent clausulam illam controversam: præ-
 "sertim cum fidei symbolum, et ipsi canones
 "a *sanctis* editi fuerint; proinde æquum non
 "esse ut propter *dicta sanctorum* opus Dei,
 "id est unio ecclesiarum, impediatur. Im-
 "perator collocutus cum episcoporum suorum
 "concilio, respondit, *habenda esse a Papa sua*
 "*privilegia juxta canones, et dicta sanctorum,*
 "*sacramque scripturam, et acta synodorum*: quæ
 "scripto tradita sunt Cardinalibus, qui Eu-
 "genio omnia se relatueros spoponderunt; et
 "postridie decretum unionis relectum est
 "Græcis, eâ verborum formulâ, quæ illis
 "grata fuit; descriptumque in chartâ latinè,
 "et ex adverso græcè, hinc bulla plumbea
 "Papæ appensa, inde chrysobullo Palæologi
 "Imperatoris. Quare eadem sententia con-
 "tineri debet in contextu latino, quæ est in

"contextu Græco. *Item definimus, inquit*
 "concilium, *sanctam apostolicam sedem, et Ro-*
 "manum Pontificem, in universum orbem terra
 "tenere primatum; et ipsum Pontificem Roma-
 "num successorem esse Beati Petri Principis
 "apostolorum, et verum Christi vicarium, totius-
 "que ecclesie caput, et omnium christianorum
 "patrem ac doctorem existere, et ipsi in Beato
 "Petro pascendi, regendi, ac gubernandi univer-
 "salem ecclesiam a Domino nostro J. C. plenam
 "potestatem traditam esse, quem ad modum et in
 "gestis œcumenicorum conciliorum, et in sacris
 "canonibus continetur.

"Sententia hujus decreti hæc est, summam
 "et plenam administrandæ ecclesie potestatem
 "a Christo fuisse pontifici traditam: eâ lege,
 "ut eâ utatur juxta modum qui et in actis
 "conc. œcum. et in canonibus continetur.
 "Itaque Græci obtinuerunt quod tantopere
 "urgebant, scilicet, privilegia Papæ secundum
 "canonum præscriptum, esse interpretanda.
 "Eadem esse debet mens verborum Latino-
 "rum; quæ tamen a contextu Græco descif-
 "cunt proper leve mendum, quod incuria
 "amanuensium irrepsit, in his verbis, *quem ad*
 "*modum et in gestis conciliorum.* Nam Latina
 "lectio præfert, *quemadmodum etiam in gestis.*
 "Qui error, primam concilii hujus e Græco in
 "Latinum versi, editionem invasit. Ejus ver-
 fionis

" fionis auctor est Bartholomæus Abramus Cre-
 " tensis, episcopus Arienſis, quem anno 1526
 " publicavit: in qua multoties hallucinatus
 " eſt, ut obſervat Arcudius. Suſpicari licet,
 " de induſtria hunc locum ab eo minus ſincerè
 " redditum; quia contentiones quæ de cano-
 " nibus inter Græcos et Latinos emerſerunt, in
 " Latina interpretatione concilii omninò diffi-
 " mulat. Quod diſcrimen alienam a paſſis
 " conventis cum Orientalibus ſententiam de-
 " creto affingit; cum è Græco contextu con-
 " ficiatur, Papæ privilegia eſſe explicanda et
 " exercenda ſecundum canones, et ſecundum
 " acta conc. œcumenicorum, id eſt, octo conci-
 " liorum, quæ ex Occidentali et Orientali ec-
 " cleſia conſtabant. At è contextus Latini
 " depravata lectione eruitur, plenam eſſe Pa-
 " pæ poteſtatem idque probari aſſis concilio-
 " rum, et canonibus. Si quis ſibi perſuadere
 " malit deluſos a Latinis Græcos ambigua ſcri-
 " bendi ratione, per me licet; præcipuè cum
 " apud Antoninum lectione Latina repræſente-
 " tur. Verba autem Græca in ſincero ſenſu
 " accepta modum exercitio poteſtatis pontifi-
 " ciæ imponunt, ei ſimilem, quem eccleſia
 " Gallicana tuetur. Imò verò Græci viden-
 " tur, formulâ noſtræ pæne ſimili, juribus
 " eccleſiæ ſuæ caviffe. Etenim decretum
 " illud,

" illud, quod liberam Papæ administrationem
 " agnoscit, his verbis concludunt, *salvis videli-*
 " *cet privilegiis omnibus, et juribus patriarcha-*
 " *rum.* Quemadmodum solemne est in Gal.
 " liâ summi pontificis auctoritatem colere, *sal-*
 " *vis juribus et libertatibus ecclesiæ Gallicanæ.*"

No. VIII. Page 59.

The origin of Cardinals is mentioned by
 Fra. Paolo Sarpi. He had proved that anti-
 quity knew nothing of ordaining ministers,
 without assigning them a special charge. To
 ordain and to appoint an office was then the
 same. Afterwards, in the confusion which
 wars had caused in states, many worthy and
 good clergymen were driven from their mi-
 nistry; these had recourse to some other
 church, where they were maintained as their
 own clerks at the common charges, and some-
 times, in case of death or other vacancy, they
 were admitted to office and administration. A
 clerk thus admitted, and not purposely ordain-
 ed for a church, was said to be *Incardinatus*.
 " This usage began in Italy before the year
 " 600, when many bishops and other clergy-
 " men were plundered, and driven from their
 " cures, by the ravages of the Lombards, and
 " were thus replaced in other churches, as mi-
 " nisters

* nisteries became vacant. The bishops were
 " called *Episcopi Cardinales*, and the priests
 " *Presbyteri Cardinales*."

" Now, the greatest part of those who were
 " so driven from their own churches, betaking
 " themselves to those of Rome and Ravenna,
 " which were the richest, and had the most
 " employments in the ministry to give, and
 " these strangers finding a welcome recep-
 " tion there, both in regard of the abundance
 " in those churches, and of the great concourse
 " it drew to them of the most eminent persons
 " of all kinds (which we see continued to
 " this day) it rarely happened that any of
 " their own people were ordained, but com-
 " monly strangers: and this was the reason
 " why in these two churches all who had any
 " ministry were called *Cardinales*: a name
 " which still remains in the church of Rome,
 " but not in that of Ravenna, which Paul III.
 " abrogated in the year 1543."

" Thus the name of Cardinal, which first
 " derived itself from a very low and abject
 " condition, is, by a change of signification,
 " become a title so elevated, that Cardinals
 " are now said to be, *Quasi Cardines omnium*
 " *terrarum*: and that which at first was no de-
 " gree nor order in the church, but introduced

by

"by mere accidents of calamity, is exalted to
"that pitch of human grandeur and dignity
"which we see it in possession of at this day."

"But whoever will look into the most celebrated
"councils held at Rome, will find that
"Cardinal Roman Priests, in their public
"writings, have always signed under the Italian
"bishops; and that even in after times,
"no bishop was made a Cardinal-priest."

"The first bishops who were made cardinals,
"were persons of note, who had been
"driven from their churches; for instance,
"Conrade bishop of Mentz, who having been
"treated as a rebel by the Emperor Frederick
"I. was received with open arms by
"Pope Alexander III. and made cardinal of
"St. Sabin. In those days, and until the time
"of Pope Innocent IV. the cardinals wore no
"habit, nor any mark of distinction. He gave
"them the red hat on Christmas-Eve in the
"year 1244. And Paul II. added the red
"cap, to be worn by all cardinals, except such
"as were monks or regulars: yet to these also
"it hath been granted since by Gregory XIV.

"We have thought a short deduction of
"this splendid order, from the original, necessary
"in this place, as it concerns so eminent
"a dignity, which at this day holds the second
"place

"place in the church, and for which the world
 "seems not to afford titles pompous enough.
 "(Urban VIII. who reigns at present, gave
 "them the title of Eminence, by a solemn
 "Bull.")—*Beneficiary Matters*, c. xii.

No. IX. Page 67.

Natalis Alexander erroneously states, that
 the concurrence of the laity in electing bishops
 was originally no more than testimonial; and
 then confounding ordination with election he
 asserts, that several councils restricted the right
 of election to the provincial synods. These
 mistakes are corrected by more accurate ca-
 nonists and antiquaries. But this learned
 writer acknowledges, that, from the days of
 St. Ambrose, the right of election was entirely
 vested in the clergy and people. "Deinde
 "arbitrio cleri et populi ecclesiæ vacantis
 "permissæ sunt electiones, judicio et confir-
 "matione metropolitano servatis: cujus dis-
 "ciplinæ testis est epistola Siricii ad Himeri-
 "um Tarraconensem episcopum, c. x. episto-
 "la Inn. I. ad Victricium Rothomagensen Ep.
 "epistola Zozimi ad Patroclum Arelatensem,
 "et ad clerum ordinem et plebem Massilien-
 "sem; Cælestini I. ad episcopos per Narbo-
 "nensem et Viennensem provincias constitu-

"tos: S. Leonis ad Anastasium Theſſaloni-
 "cenſem, ad Ruſticum Narbonenſem, et ad
 "epiſcopos per Viennenſem provinciam con-
 "ſtitutos. Quid Hilarii, Gelafii, Symmachi,
 "Hormiſdæ, Gregorii Magni, et aliorum pon-
 "tificum decreta id ipſum confirmantia; quid
 "canones omnes diſciplinam illam ſupponen-
 "tes, vel roborantes, commemorem ac recen-
 "ſeam?"—Diſſ. xi. in ſac. xv. et xvi. *

De Marca, in his 6th and 8th books, has
 diſplayed his uſual learning concerning the
 election and confirmation of biſhops. There
 appears however ſome ſlight contradiction be-
 tween theſe different parts of his work. His
 editor, Baluſe, informs us, that they were writ-
 ten at different times, the one before, the other
 after he was biſhop. There is ſomething in
 the 8th book of that vanity from which learn-
 ed critics are not exempt, of adopting a trim-
 ming ſyſtem of their own invention; and he
 is beſides rather biaſſed by an hypotheſis fa-

* Cabaffetius, Not. Eccl. p. 659, erroneouſly ſuppoſes
 that the ſecond council of Nice excluded the laity from the
 elections of biſhops; but his proofs are numerous from prior
 councils, that the ſuffrages of the people were truly judi-
 cial. Nor does he in any place inſinuate that the Pope has
 a right to the confirmation, much leſs to the nomination of
 biſhops.

vourable

avourable to the French monarch's *Droit de Regale*. He wishes to prove that the king enjoys the right which the people once enjoyed, and therefore says, in contradiction to the evidence he alleges from antiquity, that the people's right in elections was only testimonial and consenting. But, notwithstanding a few mistakes in that eminent writer, I desire no other proofs, than those he has collected, to maintain my position. However he may sometimes waver and twist his expressions, De Marca is positive and explicit that the concurrence of people and clergy were indispensably necessary in the election of bishops: he blames the pragmatic sanction as imperfect, because it did not restore the people to their rights.

He insinuates indeed that this ecclesiastical jurisprudence was settled by the Popes, meaning those venerable names referred to in the quotation from Nat. Alexander. But in this he contradicts himself, as well as these Popes, who uniformly declare, that their orders and decrees were only intended to enforce the rules and practice of the first councils, and primitive antiquity.

Few works throw so much light upon the discipline and practice of the church, as the

collection of Launoy's letters. There is one to Godrin, archbishop of Sens, which I intreat my readers to peruse. He calls it a *demonstration of the rights of metropolitans from the authority of sovereign pontiffs*, and proves from their own writings, that the latter never conceived their plenitude of power could extend to a violation of, or an interference with, the rights of metropolitans. In the numerous passages adduced, the reader will find that the best and wisest Popes uniformly acknowledged themselves bound to conform to the canons and rules of the church, and that they understood the regulations for electing bishops to be as I have stated them. But among the works which treat on these subjects, Paolo Sarpi's treatise on *Beneficiary Matters* is eminently distinguished. This short performance has always been admired as one of those masterly compositions, in which reason and erudition are happily united. His sentiments must command respect. They may be seen in the following extract. "We have already set forth the method instituted by the apostles for electing ministers in the church, viz. That the bishops, priests, and other ministers of the word of God, as also the deacons, who had the administration of the temporal should

" should be elected by the whole body of the
 " faithful, and then ordained by the bishop,
 " by imposition of hands; which continued
 " without alteration. The bishop was elected
 " by the people, and ordained by the metro-
 " politan, in the presence of all the bishops of
 " the same province; or at least with the con-
 " sent in writing of those who could not be
 " present. Or if any accident hindered the
 " metropolitan from attending, the ordination
 " was performed by three of the neighbouring
 " bishops, with the consent of him and of the
 " other absent bishops. And afterwards, when
 " to improve this form of government, several
 " provinces were made subject to one primate,
 " his consent also was required to the ordina-
 " tion."

" The priests, deacons, and other clergy
 " were also presented by the people, and or-
 " dained by the bishop; or else nominated by
 " the bishop, and with the consent of the peo-
 " ple ordained by him. No person that was
 " unknown was admitted, nor did the bi-
 " shop ever ordain any but such as were ap-
 " proved, or indeed proposed by the people.
 " Whose concurrence was thought so ne-
 " cessary, that the Pope St. Leo proves at large
 " the invalidity of a bishop's ordination with-
 " out

" out it. In this all the fathers of the church
 " in those times agree. And Constance being
 " chosen bishop of Milan by the clergy, St.
 " Gregory thought he could not be conse-
 " crated without the consent of the inhabi-
 " tants, who being at that time retired to Ge-
 " noa, to avoid the ravages of the barbarous
 " nations, a message was first sent to them at
 " his instance to know their pleasure. A thing
 " which may justly be recommended to the
 " observation of this age, where we are taught
 " that elections, wherein the people should
 " pretend to have a share, would be unlawful
 " and invalid: so changed and so inverted are
 " customs, as to make good and evil change
 " their names, calling that lawful which was
 " formerly reputed detestable and impious,
 " and that unjust, which had then the reputa-
 " tion of sanctity."

" Sometimes a bishop who was superannu-
 " ated named his successor; as St. Augustine
 " named Eradius. (*Eraclius.*) But neither
 " was this nomination of any force without the
 " approbation of the people. All these are
 " particulars as necessary to be well under-
 " stood, as they are to be remembered, in or-
 " der to confront the practices of succeeding

" ages

ages with these primitive examples.—*Beneficiary Matters*, c. 7.

Short as this treatise is, Sarpi several times repeats this clear and leading truth. Not having the original, I have quoted from an English translation printed in 8vo London 1730. I strongly recommend it to the perusal of my readers.

Among ecclesiastical writers and antiquaries the following names are illustrious: Cassanovius, Van-Espen, De Marca, Thomassin, Natalis Alexander, Launoy, Sarpi, Bingham. With such auxiliaries it is not unpleasant to combat, and it is not easy to be defeated.

No. X. Page 70.

To prison and the gallows many went, in obedience to the commands of Rome. Writing to the Archpriest Blackwell, Cardinal Bellarmine exhorts him to suffer martyrdom, rather than swear allegiance to his prince, and renounce the deposing power of the Pope. In Dodd (vol. 2. p. 522.) there is extant a supplication to Paul the 5th, signed by eight clergymen who were confined in Newgate for not taking the oath of allegiance. They feelingly describe their horrid situation, but they glory in it. Two of their companions had already

ready

ready suffered, and they soon expected death to complete their own trials. But death was welcome in a noble cause. Their language breathes the spirit of heroes and martyrs. When their religion, when their country, summoned them to spill their blood, it was delightful, it was honourable to die. For these admirable enthusiasts, who suffered for violating the first law of their country, in refusing to swear allegiance to their sovereign, cite the patriotic sentiments of ancient warriors, *Dulce est decorum est pro Patria mori.*

In reading their supplication our hearts swell with mingled emotions. Their generous lofty spirit commands respect; but their implicit submission to an imperious pontiff, who masked views of ambition under solemn pretences of religion, forcibly excites our pity almost our contempt! Paul had spoken. The infallible oracle had pronounced, that an oath of allegiance to a lawful monarch contained many things contrary to faith, and hostile to salvation; and these loyal and religious clergy men cheerfully submit to linger in jail, or perish by a halter, rather than suppose a possibility of Paul's being mistaken. *Tuo obsequio quæ mancipati, tuo ex ore pendemus.* To the scared imaginations the condemned oath ap-
 peared

appeared a frightful idol, and they implore the Pope to persist in blasting it with his sacred breath. Some of their brother clergymen they knew had bowed down in worship to this golden statue of the king, had sworn allegiance, and abjured the deposing and absolving powers assumed by his Holiness. Against these false, unstable brethren, they zealously invoke all the severity of pontifical rebukes and castigations.—But their absurdity, or perhaps their good sense at length breaks out. For as his Holiness had declared, there were many things in the oath irreconcilable with faith and salvation, they very humbly intreat him to point out a single clause that was wrong. To this modest, but difficult request, it does not appear that these unfortunate men received any answer.

To judge from the style of their letter, these good priests appear not to have been more ignorant than the generality of their brethren; and if they were not ignorant, we cannot suppose them unacquainted with the maxims of the canonists, *that no mandate of the Pope is to be obeyed, if it be unjust, if there be a probability of great evils or scandal following, if the state of the church, or the good order of the Christian commonwealth is likely to be disturbed.* These wor-

thy prisoners in Newgate felt Paul's mandate to be unjust, and lamented the evils, scandal, and disturbance it occasioned. They express in their supplication an ardent desire of performing their duty, by swearing allegiance, and they pathetically lament the severities and ignominy to which the English Catholics were subjected for refusing the oath. What then could infatuate them, and prevent them from seeing that Paul's mandates deserved nothing but their contempt and execration?—Tutored in the Bellarminian school, they had imbibed the novel, dangerous doctrine of Popes being infallible, when they speak with authority on matters of religion. Paul's authoritative tone nothing could exceed; and he had positively once, twice, thrice declared that an oath of civil allegiance clashed with faith, and endangered salvation. It is true, he had assigned no reasons; but it was the prerogative of his chair to condemn, not to confute by arguments, or enlighten by instruction. These good men therefore piously closed their eyes, resigned implicitly their understandings, and, conscious of an upright intention, waited with christian patience for an ignominious death; devoutly believing they should die martyrs to the religion of Christ, though

though in reality they were only to be slaughtered as victims to papal ambition.

Widdrington wrote powerfully in defence of the oath of allegiance, and of the independent rights of kings. If inferior to Barclay in classical elegance of style, he is more than equal in strength of reasoning, and liberality of sentiment. He drew the inseparable line between civil and spiritual jurisdiction with the hand of a master. In accounting for the prevalence of the dangerous doctrines which he combats, among other reasons he assigns the following: *quia non solent pontifices libenter permittere, ut suorum prædecessorum res gestæ, aut opiniones, quæ auctoritati papali suffragantur, vel impugnentur vel in dubium vocentur. Et præterea tam pontifex ipse, quam locorum ordinarii, atque hereticæ pravitatis inquisitores satis sunt solliciti, ne libri aliqui, qui potestati pontificiæ ullo modo derogare videntur, in publicum prodeant: et si prodierint, vel omninò supprimantur; vel a nemine absque speciali facultate, eaque in scriptis habitò, perlegantur, donec expurgati fuerint. Atque ita difficillimum est, hisce præsertim temporibus, aut in libris catholicorum clausulam ullam reperire, quæ temporalem pontificis potestatem in controversiam vocandi, vel tantillam speciem habeat, aut certò cognoscere, quid librorum auctores*

circa ejusmodi potestatem senserint, sed potius quam opinionem librorum censores secuti fuerint, cum illi non semper propriis, sed istorum verbis loqui, suamque sententiam proferre, quamvis inviti, sepius compellantur *.—Apol. p. 343.

Widdrington seems to have predicted the fate of his own books. THE ILLUSTRIOUS CARDINALS OF THE HOLY CONGREGATION, SPECIALLY DEPUTED FOR THE PRINTING, PROHIBITING, EXPURGATING OF BOOKS, condemned his *Apologia pro jure Principum*, and his *Disputatio Theologica de juramento Fidelitatis*; and lest the poison of loyalty and submission to princes might contaminate mankind, they solemnly prohibited these detestable performances from being read in any language, or in any part of the whole christian commonwealth.

From the writings their eminences proceeded to the author, and unless he would speedily *purge himself* of his noxious humours, he was to be coerced with censures and ecclesiastical penalties. The fate of this able writer de-

* In 1595 a decree was inserted in the catalogue of forbidden books, by Clement the 8th. ordering that all the books of catholic authors written since the year 1515 should be corrected, not only by retrenching what was not conformable to the doctrine of the church, but also by adding what should be judged proper.

served compassion. He was a conscientious Catholic but he was a loyal Englishman; yet to this dire alternative was he driven, either to be ejected from the catholic communion, or to resign his books to condemnation. His friend Dr. Kellison, fearing his manly spirit ill fitted to brook the tyranny of the court of Rome, might carry him to extremities, wrote a letter to engage him to submit. The established church meanwhile held out her gratulations, her honours, her emoluments; but Widdrington persevered in the catholic communion, and is said in complaisance to the party, to have retracted his writings. He offered sacrifice to peace; but his writings, in spite of the condemnations of *illustrious expurgating Cardinals*, have been constantly honoured with the approbation of the wise and good; and the integrity of his principles has been fully justified by the English Catholics of the present times, who have unanimously renounced the papal claims which he opposed, and taken the oath of allegiance which he defended. *Veritas aliquando laborat, nunquam opprimitur.*

Barclay complains no less than Widdrington of the arts and violence employed by the papal party, in condemning every work, and
accursing

accursing every author, that opposed their fancied rights to universal dominion. There exists an author,* who in England, and in the year 1790; gravely tells us, that the belief of the Pope's infallibility, has a tendency to make us better subjects. In Barclay's time, the absurdity was still greater; for it was then pretended, that the Pope's universal and uncontrollable power over temporals, was happily conducive to the welfare of princes, and the safety of commonwealths. *Opinionum commenta delet dies.* Even Italian divines at length became conscious, that it was too bold an insult on the credulity of mankind, to maintain that Popes had received a charter from heaven, to govern all the kingdoms in the universe. Boniface the VIIIth, had indeed, in the delirium of his gaudy dream, declared, *that it was necessary for salvation, that every creature should be subject to the Roman Pontiff.* But to prove this unlimited, unconditional claim of universal empire, by *direct* proofs from the records of revelation, was a task of insuperable difficulty. Scripture had no where explicitly unfolded this important truth. It could not be supported by the unanimous

* The Rev. Charles Plowden. See Appendix, No. XL.
testimony

testimony of the fathers. The early councils were silent, and the voice of history for twelve centuries, uniformly deposed against this lie of ambition. How then shall the Romans defend their stolen Palladium?

In ages of happy obscurity, * *when Popes were revered as gods, vested with all power in heaven and earth*, they had only to say, *I claim this right, it is the legacy of Peter*. "A pious and unlettered multitude," listened with deference, and believed without doubt. But since learning had begun to dawn, and the inhabitants of Europe had resumed their birth-right of thinking, mere sayings could no longer command the reverence due to oracular decisions. It was necessary therefore to shift the ground. The old system was apparently mitigated; but if less formidable in boldness of pretence, it was equally pernicious in its evil tendency.

A *direct* power over the dominions of princes was no longer ascribed to the Pope. His authority was *indirect*, a kind of perpetual dictatorship, only to be exercised on emergencies of danger, turbulence and contradiction. As a minister of the gospel, he had

* These are the words of Gerson.

a right to direct the soul : therefore he had a right to chastise the body, if the flesh rebelled against the spirit. While the princely sheep quietly grazed their pastures, the papal shepherd had no right to disturb, by the sound of his voice, their peace on the verdant lawns. But if they indiscreetly ventured to skip and butt like rams, then it behoved the shepherd, timely to prevent the dangers of their gamesome mood; to part them from the flock, and close them in the pen; or by a vigorous stroke of his crook, transform again these maddening rams into peaceful sheep that would tamely lick the feeding hand.

This was one of Bellarmin's comparisons. Convinced that the old ground was untenable, yet unwilling the Tiara should lose any of the advantages, which it had formerly gained over the liberties of Europe; too moderate for the Hildebrandine exorbitances, yet too timid for Christian truth,—this Cardinal exerted his uncommon abilities, to accredit the mitigated system of *indirect* power. But with what success? Protestants were confirmed in their hatred of the Apostolic See, and conceived an unconquerable aversion to, and mistrust of, the rising society of Jesuits; while all Catholics who lived beyond the

the sphere of the influence of the court of Rome, beheld with pity and abhorrence, genius and learning prostituted in support of the worst corruptions of Christianity. And at Rome, how sacred this eminent divine? He was despised as a feeble defender, a base betrayer of the papal prerogative.

Bayle says, that at one time it was difficult to procure in Rome, a copy of Bellarmin's controversial writings. He alledges for reason, that the cardinal was thought to have stated the objections of Protestants, with too much fairness and plausibility. This was not the true reason. Bellarmin, in the judgment of the court of Rome, had prevaricated, because he had not intrepidly defended the direct power of Popes over all the kingdoms of the globe. Indignant at the treachery of this pusillanimous divine, who had half invalidated his claim to universal monarchy, the imperious Sixtus the Vth, with difficulty forebore condemning, in his anger, all his works to extinction in the flames.

Barclay. *De Potestate Papæ in Principes Christianos.*

The style of the Popes continued to be magnificent. *Nos in supremo justitiæ throno collocati, supremam in omnes Reges et Principes*

B b

universæ

universæ terræ, cunctosque populos, gentes et nationes, non humanâ sed divinâ institutione, nobis traditam potestatem oblinentes, declaramus, jubemus, præcipimus. Thus loftily speak Sixtus and Pius, each the fifth of their name. But from their supreme throne of justice, what do these heavenly-instituted rulers of mankind command? Subjects to rebel, and rival princes to make war against Henry of France, and Elizabeth of England. The league and the penal statutes were the glorious effects of their almighty mandates.

Since that time the mitigated system has been adopted. But conscious that one beam of truth would melt away their airy fabric, they employed every artifice of cunning, every exertion of tyranny, to prevent that beam from dawning on the world. In his history of the inquisition, c. 29, Parlo Sarpi has laid open the base and abominable arts made use of in suppressing, or mangling every book which promoted a spirit of christian or political freedom. Fortunately, however, truth had already ascended the horizon; and enlightened Europe was no longer, either to be intimidated by menaces of violence, or lulled by the tales of imposture.

Many are the years, since the court of Rome has dared to enforce her chimerical claims

but she has always fretfully opposed every public disavowal of her fancied rights. * Her divines have indeed gradually become more and more moderate; but they have not yet had courage to dispel the odious spectres, which have so long hovered round the portals of religion. Mamachius published in the year 1752, his *Christian Antiquities*. In the fourth book he has drawn out, in brilliant array, all the scholastic defenders of the indirect power. Their numbers are terrible, but their reasons are puny. Without seeming to interpose his own judgment, the learned author lets his reader evidently see, which side his inclinations biassed him to support. He had gazed on the gems of the Tiara, and was dazzled. Some falling rays, he wished perhaps to collect around himself; and accordingly he is said to be still living in distinguished preferment. But on political or religious subjects, who now forms his opinion on the authority of scholastic divines? The pure sources of reason and genuine christianity are unlocked. Ambition invented, adulation propagated, and ignorance supported the fictitious claims of Rome. The consequences have been fatal. The just authority of the successor of St.

* See Appendix, No. XIII.

Peter has been spurned at, kingdoms convulsed, and Christendom rent in pieces by religious discord. Speaking of the pontifical power, Cassander said in the commencement of the Reformation; “ Neque unquam credo
 “ controversia apud nos de ea extitisset, nisi
 “ Pontifices Romani hac auctoritate ad dominationis
 “ nationis quamdam speciem abusi fuissent,
 “ eamque extra fines a Christo et Ecclesia
 “ præscriptos, ambitionis et cupiditatis causa
 “ extulissent. Verum hic abusus pontificie
 “ potestatis, quam adulatores initio ultra modum
 “ auxerunt, de ipsa Pontificis potestate,
 “ quam universali consensu totius Ecclesiæ
 “ obtinuerat, malè sentiendi, imò ab eâ profus
 “ deficienti occasionem dedit, quam putarem
 “ illum recuperare posse, si eam ad limites à
 “ Christo, et veteri Ecclesia præscriptos revocaret,
 “ caret, atque juxta Christi evangelium, et
 “ majorum traditionem ad Ecclesiæ tantum
 “ ædificationem uteretur.”

Cassandri Consultatio.

For a century past, Popes have been decent and conciliating. Their own personal acts have been distinguished by moderation and a love of order.—But there exists at Rome a congregation, the sway of which is next to unlimited; and in that I apprehend, there still remains a tenaciousness of ancient imaginary claims.

claims. If in 1778 the Catholics of England and Ireland, had been weak enough to recur to the *holy Congregation*, I am firmly convinced they would not have been permitted to abjure the deposing and absolving powers. Paul the Vth, had declared those powers could not be renounced without violating Catholic faith; and to maintain the Pope had no such powers, was uniformly contended by the Roman divines to be, *non tam opinio quam hæresis*. Now the declarations of the Popes, and the opinions of papal theologians, are like the laws of Persia, never to be revoked. You may act in opposition to them, if you have the spirit; but it is unpardonable presumption to assert that they are fundamentally erroneous. In fact, we know that Archbishop Butler gave offence at Rome by the commendable zeal, with which he discharged his duty to his country and his flock. The deposing power had been renounced in the most solemn manner; it was too late therefore to restrain the loyalty of the Catholics; but the Archbishop was rebuked for presuming to transact a business so momentous, without previously advising with the court of Rome.—That an Archbishop, at the head of his suffragans, should ask for advice and direction from foreign divines, strikes as a solecism in Church govern-

government; but that foreign divines should intermeddle with the social and political duties of men living in another kingdom, is absurd effrontery.—And yet if the protestation, by which English Catholics lately pledged their integrity to the kingdom, had been laid in tame humility before the congregation, who knows but it might have been censured as a dangerous instrument, quite as pernicious as the oath of allegiance thrice condemned by Paul? A formal condemnation might have been issued, with as much facility as an order for conveying the property of missionaries for specific uses, or for bastardizing our children, by forbidding us to legalize our marriage contracts.

No. XI.

Mr. Plowden confidently tells us, that we have always been taught to believe the Pope infallible, in matters of dogmatical or moral import.—Yet we never read it in our testament, nor learned it in our catechism, nor professed it in our creeds, nor repeated it in our prayers, nor found it in our usual books of instruction. We have been taught indeed to hearken to the Church, to pray for her union and preservation, to submit to her authoritative decisions on faith and discipline,
and

and among the bishops of the Church we have learned to distinguish, as the most eminent, the successor to St. Peter's chair; but never were we taught to believe, that the whole authority of the Church is confined to one single pastor, that the head is the entire body, a part the whole, or the central point a complete circle.

He tells us that the Pope's personal infallibility, was not generally questioned in the Church, till the famous decision of the Gallican prelates in 1682. But Church historians inform us, that the opinion of papal infallibility, without the concurrence of the universal Church, was scarcely ever heard of, * till the unhappy schisms among the Popes, and that the council of Constance, in putting an end to those schisms, authentically declared, that Popes themselves were subject to the control of councils.

He tells us that the belief of the Pope not being infallible, is a French rarity lately imported; whereas we all know the contrary opinion to be an Italian refinement, which no dexterity of Bellarminian art could ever accommodate to an English palate. Long before the declaration of 1682, Holden had

* See Fleury, B. 93, N. 14 and 15.

written his classical work, Veron's Rule of Faith had been translated, Gother had cleared the Catholics from misrepresentation, and Bossuet's exposition had been circulated in this kingdom. These were standard books in the families of our ancestors; they are standard books with us at present; but they do not inculcate the Pope's infallibility. In an instrument, always esteemed an authentic declaration of English catholic principles, and formerly printed at the end of our manuals; in this instrument, to which the good Lord Stafford solemnly appealed some years before the Gallican declaration, it is said,—“It is no
 “matter of faith, to believe that the Pope is in
 “himself infallible, separated from a general
 “council, even *in expounding the faith*; by
 “consequence, papal definitions or decrees,
 “though *ex cathedrâ* as they term them, taken
 “exclusively from a *general council, or univer-*
 “*sal acceptance of the church*, oblige none under
 “pain of heresy to an interior assent.”

Mr. Plowden calumniates the English Catholics, when he represents them as borrowing their belief from any particular portion of the church. Scripture and tradition are their guides. They look back with reverence on the maxims and practice of early christianity.

They

They discover there no claim, no acknowledgment of a separate infallibility in any pastor of the church; and they esteem every thing an innovation, which they find not to have been handed down from the beginning. What individuals have learned or taught, is to them no serious concern. *Quod ubique, quod semper, quod ad omnibus creditum*, is the authority which bounds and terminates their enquiries.

To separate the catholic faith, which is always uniform, from opinions of the schools, which are perpetually varying; to wipe away the varnish of human art, and restore to religion her native colour and simplicity of features;—has been the laudable attempt of controversial writers since the Reformation. Before and since the declaration of 1682, this method has been followed, not only in France and England, but in every country of Europe. Even in Italy the plan has been encouraged. Muratori is distinguished among her divines, as well as historians. His work, *De moderatione ingeniorum innegotio religionis*, is an excellent performance. How often does he repeat in it, that no decrees of Popes are decisive and irreformable, *nisi posterior accedat ecclesiæ consensus*? In every effort made to reconcile the Protestants, the question about the Pope's

separate infallibility has been purposely waved as unnecessary and unimportant. *I believe in the Catholic Church, is the test of orthodoxy; I believe in an infallible Pope,* was never considered as a requisite, or an adjunct. When English Catholics read controversy, whether it may be in the books of Bossuet, Nicole and Schefmaker, or in those of Gother, Chaloner and Father Brittain, they invariably find that the separate infallibility of the Pope is treated as a shadow of opinion, but the authority of the universal church is enforced as a substantial doctrine of religion. Acknowledging therefore no infallibility in the bishop of Rome, the English Catholics are fully authorised in making the declaration, *that they acknowledge no infallibility in the Pope.*

Mr. Plowden indeed, without invoking the aid of scripture or tradition, has attempted to prove, by a parade of elaborate arguments, and ill-timed digressions on Jansenism, that the Pope is vested with a separate infallibility; and he kindly insinuates to "his pious and unlettered brethren," that they cannot defend their faith, unless they adopt his favourite school opinion. Was this prudent? When a celebrated society first arose, they laid it down as a maxim and a rule that they ought to defend

defend every papal claim, as they found it established at Rome. "Le Pere Lainez, "deuxime General des Jesuites, soutint au "concile de Trente que les evêques ne tenoi- "ent leur jurisdiction que du Pape, et que "lui seul la tenoit immediatement de Dieu. "Bellarmin, Suarez, et une infinité d'autres de "la meme compagnie, out soutenû la puissance "indirecte sur le temporel, et l'infallibilité, "qu'ils auroient fait passer pour une article "de foi, s'ils avoient oû." This was de- fending popery, but not the catholic religion. A plan, ill conceived and mischievous in its origin, cannot be eventually fortunate. Ac- cordingly, modern claims were severely con- trasted with privileges of the early ages, and Popes appeared less venerable by the compa- rison. Protestants, instead of mollifying their prejudices, were more exasperated, when they saw inventions of late times stubbornly con- tended for as essential parts, or necessary ap- pendages of the christian system. Even ca- tholic states and churches grew jealous and alarmed for their rights and liberties. After the struggle of two centuries, the society itself fell a sacrifice to the tranquillity of christian nations.

In the year 1704 was published a short, but valuable treatise, by a minister of the church of England. It is intitled, *An Essay towards a proposal for Catholic Communion*. This candid author distinguishes accurately between school opinions, and the doctrines of the catholic church. In ch. 2d he proposes this question,—“Whether the Pope be infallible in his definitions and doctrines, so that all who are in communion with him are bound to receive and believe them as unquestionable truths?” He answers, “This in a great part is so taught by Bellarmin; and if the point were, upon what terms we were to be in communion with Bellarmin, it is certain it could not be but by subscribing such an infallibility. But our question is about the communion with his church: and having found upon strict examination, that the church in communion with the see of Rome requires no assent to such a papal infallibility; that it is not so much as mentioned in the definition of the council of Florence, in which the controversy of the papal authority and prerogative was professedly and fully discussed; that it is not in the formula of faith set forth by Pope Pius the 4th, collected out of the council

" council of Trent, and of which, all promoted
 " to a church dignity, are obliged to make a
 " solemn profession; that it is not proposed to
 " such as are admitted members into that com-
 " munion; that it has no place in their catechism
 " *ad parochos*, nor in other catechisms, which
 " are for the general instruction of the people:
 " having found likewise that Bellarmin, L. de
 " Rom. Pontif. c. 11. owns five eminent doc-
 " tors positively denying this infallibility of
 " the Pope, without being censured by their
 " church for such their tenets; that the fa-
 " mous Launoïus ep. ad Hen. Barillonum,
 " reckons up twelve universities, Bononia,
 " Pavia, Sienna in Italy, Louvain in Belgia,
 " Colen and Hertford in Germany, Vienna in
 " Austria, Cracow in Poland, Anjou, Orleans,
 " Toulouse and Paris in France; and besides
 " these numerous bodies, seven and fifty single
 " writers, among which are many eminent bi-
 " shops, archbishops and cardinals, ep. ad C.
 " Fauvæum, viz. seventeen of the Parisian
 " schools, three of the Spanish, one of Ox-
 " ford, five Germans, no less than one and
 " thirty in Italy alone, all professedly writing
 " against this infallibility of the Pope, without
 " any censure passed against them from that
 " church; having found, I say, this, it seems
 " evident

"evident from hence that this papal infallibi-
 "lity is no term of communion with that
 "church; that it is no more than a matter of
 "opinion, and not of faith: and consequent-
 "ly, that according to our first rule, this ques-
 "tion ought to be laid aside by the lovers of
 "peace, and not made an obstruction to catho-
 "lic communion, since within the communion
 "of the Roman church, this infallibility may
 "be, and is, as stiffly opposed, as by those that
 "are out of it; and why then should our un-
 "due heats be kept up upon this account,
 "whereas that church obliges not its members
 "to assent to this doctrine."

This liberal divine cites not the authentic
 declaration of 1682, yet he had well appreci-
 ated the opinion of papal infallibility, and per-
 fectly knew, what Mr. Plowden should have
 known, that it might serve for a theological
 skirmish, while such exercises were in vogue,
 but was too insignificant for the instruction of
 the unlettered, or the reclaiming of the stray-
 ed.

As the following passage in the same treatise
 has an immediate reference to the measure
 lately adopted by the English Catholics, I will
 transcribe it. Having completed his separa-
 tion of school opinions from catholic principles

ples, he says,—“And here now I cannot but
 “express my great surprise at the Romanists
 “here in this nation; for whereas they may
 “renounce all that tyranny and usurpation,
 “all the encroachments of the pontificate and
 “unlimited supremacy, with all those other
 “principles and practices, which are points
 “that render them obnoxious to the govern-
 “ment; whereas I say they may do this with-
 “out injury to their profession of faith, or
 “any one term of their communion; they
 “stand still and suffer both in their persons
 “and their estates, and in the most infamous
 “character cast upon their church, as the
 “teacher of such detestable doctrines, without
 “ever once endeavouring to justify themselves
 “to the state, or clearing themselves or the
 “church from the scandal of such doctrines.
 “This is a matter of surprise to me, and seems,
 “they will give me leave to tell them so, *a*
 “*great folly* in them. For though to suffer
 “peaceably for their faith be commendable,
 “and what they esteem the part of a confessor
 “or martyr, yet to suffer for school opinions,
 “for the divinity of Bellarmin, or in compli-
 “ment to the court of Rome, is what may
 “give them a title to humour or madness, but
 “never to any recompence in heaven, since
 God

" God has no where engaged his word to be
 " the rewarder of such suffering. And what is
 " the occasion of their being distinguished by
 " the severity of penalties, from all other bo-
 " dies of Christians, but these very points?
 " Can they imagine the state is so very averse
 " to their speculative doctrines, as, upon this
 " score only, to prosecute them with so many
 " penal statutes? Don't they see all manner of
 " speculative opinions are tolerated by law,
 " and even such as seem levelled against Chris-
 " tianity? And can they think then that their
 " speculations are the occasion of their suffer-
 " ing? Such great partiality in speculatives
 " cannot reasonably be supposed, especially in
 " persons who express so great a compassion
 " to tender consciences, and disapprove per-
 " secution on the sole score of religion. Upon
 " which consideration the inference seems na-
 " tural, that if they had a mind to be no long-
 " er Bellarmin's martyrs, and confessors for
 " school opinions, but give the state security
 " of never abetting such pernicious principles,
 " they might hope to come in with their spe-
 " culations, and have a share of that favour
 " which is shewn to Jews, Quakers and Socie-
 " tians, and not fear extirpation upon the ac-
 " count of harmless religious notions.

" And

“ And this they may do, for they know
 “ those enflaming doctrines are no part of their
 “ faith, neither does their church any where
 “ enjoin an assent to them; nay, they know
 “ these very principles are opposed by firm
 “ members of their own communion, and in
 “ practice resolutely withstood. Why then do
 “ they stand still and suffer on this account,
 “ and by their silence give occasion to a
 “ whole nation of believing their church to be
 “ so infamous as to teach such doctrines, and
 “ as many as are in its communion are bound
 “ to receive them? This silence I cannot un-
 “ derstand.—*P. 245. **

This

* Lord Clarendon in his answer to Cressy proposes some questions, which he thinks are “ proper and pertinent to be debated, and which determination will go very far towards the reconciling all inferior particulars.” Among these is the following :

“ III. Whether the *bishop of Rome* hath any authority given
 “ by God in the dominions, and over the subjects of other
 “ princes, and what authority and power it is, and what
 “ obedience and subjection it is, which the *English Catholics*
 “ conceive themselves bound to pay to him by the obligation of their religion? It being absolutely necessary for
 “ the personal security of kings and princes, and for the peace
 “ and quiet of kingdoms, that it may be clearly made manifest, what the authority and power is, that a foreign prince
 “ doth challenge in another prince's dominions contrary to

D d

“ and

This advice was friendly and wholesome.—
The English Catholics have, at length, signed
a Protestation in which they renounce *those*
enflaming doctrines, and they will no longer
submit to be *Bellarmin's martyrs*, or *confessors*
for school opinions.—But to return to Mr. Plow-

“ and above the *laws of the land*, and *what obedience* it is
“ that subjects may pay to such a *foreign prince* without the
“ *privy*, and contrary to the command of his *own* *sove-*
“ *reign*, nor can any general answer be satisfactory in this
“ point. They who conceive the *Pope* hath a *temporal* and
“ *spiritual power* in *England*, must explain what the full in-
“ tent of that power is, that the king may discern whether
“ he hath enough of either as to preserve himself and the
“ peace of the kingdom; and they who insist upon his hav-
“ ing a *spiritual power*, as most of the most moderate *Catholics*
“ do, without imagining that it can in the least lessen their
“ affection and loyalty to the king, which they do really
“ intend to preserve inviolable, must as clearly explain and
“ define what they understand that *spiritual* to be, which
“ may otherwise be extended as far as the former intend
“ the *temporal* and *spiritual* shall extend; nor in truth can
“ they be secure of their own innocence, of which they
“ think themselves in possession, until they fully know from
“ those who entangle them with distinctions what that *spi-*
“ *ritual power* is, and what submission they are bound to
“ pay to it, which seeming to be some obligation upon
“ their conscience, it is fit they may be sure it cannot in-
“ volve them in actions contrary to their duties, &c.”

(*Animadversions upon a book, intituled, Fanaticism fanatically*
imputed to the Catholic Church, &c. By a Person of Honour
P. 243.)

den, he complains that the disavowal of "the
 "infallibility of the Holy See is a principal
 "doctrinal point with the modern professors
 "in the new-modelled universities in the
 "Austrian states." This is no great misfor-
 tune. Probably these professors have seen
 the inanity of scholastic disputations, and have
 taken to the more solid study of the Bible, the
 Fathers, the Councils, and the History of the
 Church. A century past, the divines of Lou-
 vain fiercely clamoured against the Gallican
 clergy, as if they had given a death-blow to
 the catholic faith, because they had denied all
 right to the Pope to interfere, directly or indi-
 rectly, with the temporals of kings. They are
 now become Gallicans, or rather unprejudiced
 Christians. Two years since they signed a
 consultation in the spirit of the ancient Sor-
 bonne. By examining the monuments of the
 primitive church, they have probably disco-
 vered, that both opinions, of the Pope's power
 over temporals and his separate infallibility,
 were equally unknown in ancient times, and are
 therefore innovations. But whatever may be
 the bent of their studies, a disavowal of papal
 infallibility is no "Imperial modernism." At
 Louvain, the preceptor of Charles the 5th
 publicly taught that the Pope was fallible; and

what is more to the purpose, he reprinted this doctrine after he himself had been exalted to the papacy. It is true, the learned and virtuous Adrian, whether Doctor or Pope, could not bring his mind to believe, like Mr. Plowden, that in the Roman see, and in the papal ordinances, *whatsoever is is right*. "Scimus in hac sancta sede aliquot jam annis multa abominanda fuisse, excessus in mandatis, abusus in spiritualibus, et omnia demum in perversum mutata: nec mirum si ægritudo a capite in membra, a summis pontificibus in alios prælatos inferiores descenderit." Thus wrote the frank and candid Pope to F. Cheregiatus, vested with a public character from the Holy See.—*Raynaldus, anno 1522, No. 66.*

I quoted above a passage from Fleury. In the following there is truth of narration, and dignity of sentiment. "Le schisme, d'Avignon non donna occasion vers l'an 1400 aux disputes de la superiorité du Pape ou du concile. Le differend du Pape Eugene IV. avec le concile de Bâle en 1438 les echauffa. Sous Jules 2 en 1515, ou passa jusqu'à soutenir l'infallibilité du Pape. Les nouvelles hérésies ont excité plus de Theologiens à l'embrasser et à la defendre opiniâtement; et parceque l'antiquité est peu favorable à ces maximes
" ceux

ceux qui en sont prevenus regardent l'étude des Peres et des conciles comme une curiosité inutile, et même dangereuse. La plupart des réguliers attachés au Pape par leurs exemptions et leurs privilèges, ont embrassé cette doctrine, et y ont attaché une idée de piété, capable d'imposer aux consciences délicates. Il faut, dit-on, se tenir au plus sûr en des matieres si importantes : or le plus sûr est ce qui nous éloigne le plus de la doctrine des hérétiques, comme si en fuyant un excès on ne pouvoit pas tomber dans l'autre. La vraie piété est fondée sur la vraie créance, et le plus sûr en matiere de religion est ce qui a toujours été cru par toute l'Eglise. On doit bien plutôt se faire conscience de mépriser les conciles et l'autorité de l'Eglise universelle, que tout le monde reconnoît pour infaillible, que de ne pas attribuer aux Papes tout ce que les flatteurs lui donnent depuis 200 ans. La flatterie et la complaisance servile sont des vices odieux ; la liberté et le courage à soutenir la vérité sont des vertus Chrétiennes qui font partie de la piété." — *Discours sur les Libertés de l'Eglise Gallicane.*

No. XII.

Sarpi gives the following account of the claims made by the Popes to nominate to all bishoprics and other benefices.—“ During the
 “ continuation of those times there was a re-
 “ gulation found necessary to be made in
 “ France which I shall here recount, intro-
 “ ducing it with this observation, that in spite
 “ of all the resistance and defence made by
 “ the princes and bishops against the attacks
 “ of the church of Rome, she has never lost
 “ courage in the sharpest conflicts, or betrayed
 “ the least thought of desisting from her pre-
 “ tensions.

“ On the contrary, pursuant to these, in the
 “ year 1266 Clement the 4th formed the pro-
 “ ject, which would have put him or his suc-
 “ cessors into the absolute possession of all the
 “ collations of benefices throughout the chris-
 “ tian world; and withal have freed him from
 “ the servitude of inventing incessantly new
 “ shifts and finesses, to draw the collations to
 “ Rome.

“ This Pope therefore began with a Bull
 “ which concluded no farther than what con-
 “ cerned the reservation of benefices *vacantes*
 “ *in curia*; the collation of which, he saith, is
 “ reserved

" reserved to the Pope by ancient custom;
 " which consequently he approves, and that
 " it is his pleasure it should be observed: but
 " though he concludes no more than this, he
 " had supplied it with a preface of the strong-
 " est suppositions in these terms. *Although the*
 " *entire disposition of all benefices belong so justly*
 " *to the Pope, that he might not only confer them*
 " *when vacant, but also grant a right of acquir-*
 " *ing, or of prevention, before they are vacant:*
 " *nevertheless ancient custom hath more particu-*
 " *larly reserved those vacantes in Curia: there-*
 " *fore we approve this custom.*

" If the decree had concluded suitably to
 " his inclinations, of declaring that the dispo-
 " sition of all benefices belonged to him, an
 " universal outcry must have followed, and
 " he have drawn all orders of men, ecclesia-
 " stics as well as princes, and other lay patrons
 " upon him; all would have been alarmed,
 " and have stood to their arms, with mani-
 " festoes and publications of their reasons, too
 " loud to be born; whereas a proposition
 " stated upon a supposition, without seeming
 " to make any conclusion, passed the more
 " easily upon the generality of men, who were
 " not sensible how much it imported, and in
 " effect it implied."

" However

" However two years after, in the year
 " 1268, St. Lewis, king of France, without
 " having any regard to this bull of Clement
 " the IVth, seeing the regulations made by
 " the queen-regent his mother, during his
 " minority, and absence in the holy-land,
 " were not of efficacy to remedy the abuses
 " crept in by the dispensations of benefices,
 " made his famous *pragmatic*; wherein he
 " commands that the cathedrals and mona-
 " steries should enjoy their elects free and
 " uncontrouled, that all the other benefices
 " should be disposed as the law directed, and
 " that no impositions of the court of Rome
 " should be levied upon the benefices, with-
 " out the king's consent, and that of the
 " Gallican Church."

" But the expedition of this pious prince
 " into Africk against the Moors, and his death
 " which happened in the year 1270, the in-
 " terest which the House of Anjou had in
 " preserving the Pope's favour, to establish
 " the possession of the kingdom of Naples, and
 " to recover that of Sicily; together with the
 " permission the Pope had granted the king
 " to gather tythes in his dominions, under
 " the pretext of carrying on the war in the
 " Holy-land, were all powerful concurrents

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to facilitate the authority the Pope had
lost. And Pope Boniface the VIIIth, made
it ample reparation, who in the year 1298,
inserted the constitution of Clement in the
decretals, only with some amendment, in
making that now the principal sentence,
which was before mentioned as it were only
occasionally, and by way of *Hypothesis*. And
to give more force to this bull by the uncer-
tainty, he sent it out under the name of
Clement only, without expressing whether
it were the fourth or third Clement: and
that doubt we find continued to this day, in
the different copies extant; in some of
which he is called the third, and in others
the fourth."

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"Then it was that this proposition first
began to be admitted for truth, that the ab-
solute disposition of all benefices belongs to
the Pope; which they pretended to under-
stand, in a sense not altogether absurd;
which is, that the Pope hath a plenary
power, but under the regulations of laws
and reason."

"But Clement the Vth, explained himself
in a manner so clear, as to leave no room
for any favourable interpretations, declar-
ing that the Pope hath not only full power

“ of disposing all benefices, but also an intire
 “ liberty in the manner of disposing them
 “ By which liberty the canonists understand,
 “ that he is exempted from obedience, either
 “ to laws or reason itself; and that he hath
 “ a privilege of disposing benefices in what
 “ manner soever, even against reason, the in-
 “ terest of any particular Church, or of any
 “ lay patron whatsoever.”

“ This doctrine is asserted on all occasions
 “ in the bulls, and there is no canonist, who
 “ holds it not even as an article of his faith
 “ that in the collation of all benefices what-
 “ soever, the Pope can concur with the ordi-
 “ nary collator, and even prevent him; and
 “ may grant the power of concurring with the
 “ collator, and even of conferring benefices
 “ by prevention, to whomsoever, and when
 “ he pleaseth; which is a power since granted
 “ by the Popes to their legates, by a general
 “ constitution.”

“ In all the consideration of this whole
 “ matter of benefices, nothing is more sur-
 “ prising, than that which hath all along been
 “ maintained by the canonists to this day
 “ without any regard to a truth so notorious
 “ either out of animosity, or because they
 “ think it is a wrong to their profession,
 “ preter-

pretend to know any thing that is not drawn out of the decretals. That heretofore the Pope conferred all bishoprics and other benefices, and that since, he hath granted away, out of mere grace, the election to the chapters, and the collation to the bishops; though the light of noon-day is not clearer, than that the election of ecclesiastical ministers was first in the people; that afterwards it came into the prince's hands, when they had received the Christian faith, and had taken the affairs of the Church into their care; and lastly, that the election rested in the clergy only, after the seculars had been excluded by the artifices of Gregory the VIth, and his successors; every diocese still retaining its own right of electing, and of collating its own benefices; which the Popes have, by degrees, insensibly assumed to themselves, by such methods as have been already shewed, and such as will appear in the following discourse.

"In the mean time there is no doubt to be made, but that this assertion of the canonists, will one day come to be ranked among the articles of our faith, in order to introduce into the Church a doctrine, so diametrically opposite to that which was preached in those

" times. For Anselm, bishop of Lucca, who
 " in the year 1080, wrote three books against
 " Gilbert, the Antipope, in favour of Gre-
 " gory the VIIth, which are yet extant, proves
 " throughout the second of these books, that
 " by the authority of the Popes, the holy
 " fathers, the general councils, and by the
 " constant usage observed from the times of
 " the apostles, down to the times wherein he
 " wrote, that the election of the bishops,
 " which he calls *pontifices*, belonged to the
 " clergy and people of the particular diocese:
 " and that the Emperors Constantine, Con-
 " stans, Valentinian, Theodosius, Honorius,
 " Charlemain, Lewis the Debonair, with
 " divers others excelling in piety and faith,
 " have never violated this usage since the
 " times of the apostles; and citing withal a
 " constitution of the capitular of Charles and
 " Léwis, in which it is declared, that the bi-
 " shops shall be chosen by the clergy and
 " people of the dioceses, according to the ca-
 " nons, he saith, that this is a constitution
 " intirely conformable to that of the holy fa-
 " thers; and that the holy Spirit spoke no less
 " by the mouths of these Emperors, than if
 " it had been pronounced by the council of
 " Nice, or any other general synod."

“By which it is evident, that in order to
 “draw the right of election out of the hands
 “of the princes, they have held for tradition
 “the direct contrary, to that which they would
 “have us this day believe, and which the
 “canonists teach: so that necessarily either
 “the canonists must err, or those authorities
 “quoted by the bishop of Lucca. And if the
 “electing their own bishops, were a liberty
 “which Jesus Christ had bequeathed to every
 “church and dioceses, consonant to the doctrine
 “of the fathers and councils, they are not so
 “much in the wrong who say, that the court
 “of Rome hath put all the churches in chains
 “and bondage, under the colour of defending
 “their liberties.” *Beneficiary matters, c. 35.*

No. XIII.

A remarkable instance of the opposition
 given by the court of Rome, to all renuncia-
 tions of papal usurpations, occurs in Walsh's
 History of the *Irish Remonstrance*, p. 522. In
 the letter of Dr. Holden the reader will see
 the estimation, in which congregational decrees
 were held, and the gratitude which that court
 may claim from the English Catholics.

“Articles proposed to the Catholics of
 England, whereunto it was required they
 “should

" should subscribe their negative answers,
 " whereby it might be understood, they pro-
 " fess that there is nothing contained in these
 " three articles, which doth necessarily belong
 " to the Catholic faith and religion, inasmuch,
 " that they may and will abjure (if it be
 " thought needful) the practice and execution
 " of them all."

I.

" That the Pope or Church hath power to
 " absolve any person or persons from their
 " obedience to the civil and political govern-
 " ment established, or to be established in
 " this nation, in civil and political affairs."

II.

" That by the command, or dispensation of
 " the Pope or Church, it is lawful to kill,
 " destroy, or do any injury to any person
 " or persons living within the king's domi-
 " nions; because that such a person or per-
 " sons are accused, condemned, censured, or
 " excommunicated for error, schism, or he-
 " resy."

III.

" That it is lawful in itself, or by dispen-
 " sation from the Pope, to break promise or
 " oath."

"oath, made to any of the aforesaid persons,
"under pretence that they are heretics."

"Fifty English Catholic Gentlemen have
"subscribed negative answers to these three
"articles, upon certain conditions secretly
"agreed upon for the good and free exercise
"of the Catholic religion, they being assured
"by divers priests, both seculars and regu-
"lars, under their hand-writings, that it was
"lawful for them so to do. Which since a
"congregation in Rome, *hath ordained and*
"*decreed, was not, nor is not lawful.* Where-
"upon a priest writeth out of England to his
"friend, a doctor of divinity of Paris, and
"sends him a copy of this congregational
"decree, earnestly desiring him that he will
"let him freely know his sentiment and opi-
"nion in this business. Which doctor's an-
"swer to the question here followeth."

"Most dear Brother in Christ,

"Having seriously considered the three
"articles you sent me, with their little pre-
"face (which you say contains in brief, the
"substance of what was intended both by the
"proposers and yourselves) I cannot refuse,
"neither in charity nor friendship, to give
"you my opinion concerning your subscription
"there-

"thereunto. Yet being unwilling you should
 "rely upon my private and particular judg-
 "ment, in a matter of such moment, I have
 "consulted with several great and learned
 "men of our nation, but especially some of
 "the most ancient and learned doctors of our
 "faculty here, whose constant sentiments are,
 "that not only in their opinion your act is
 "lawful, just, and true, but that it is also
 "the general and universal belief of all the
 "learned men in this kingdom. So that I
 "see not upon what grounds you need fear,
 "or apprehend the censures which the decree
 "of the congregation in Rome pretends you
 "have incurred. Were your kingdom or
 "state settled, and that your liberty dependeth
 "only upon your giving assurance of your
 "fidelity, I should easily procure you such
 "sovereign antidotes against your timorous
 "apprehensions, and such public declarations
 "of your duty in this kind, as that none but
 "either weakly scrupulous, or busily factious,
 "would be any whit moved at the interested
 "proceedings of the court of Rome. Me-
 "thinks you should not be ignorant how such
 "decrees of those congregations are slighted
 "and rejected in the supreme courts of this
 "kingdom, by the most learned and most
 virtuous

"virtuous secular judges of the Christian
 "world. Even those who bear the most du-
 "tiful respect to his Holiness, as well secu-
 "lars as regulars, will openly profess, that the
 "cabals and interests of the court of Rome
 "are now so generally known, that the de-
 "crees of their congregations are scarcely
 "taken notice of out of the Pope's territo-
 "ries. We had, not many months ago, such
 "a decree sent hither from Rome to the
 "Pope's Nuncio, against a late book called
 "*Les grandeurs de l'église Romaine*, which be-
 "cause the Pope's Nuncio would have pub-
 "lished and dispersed throughout the king-
 "dom, (having obtained licence from the king
 "to do it;) the king's advocate-general Mr.
 "Talon (a man worthy of his place) made a
 "learned speech in open parliament, (without
 "any relation or interest to the doctrine of
 "the book,) against the admittance of such
 "decrees, wherein he remarked very well the
 "different nature and quality of these con-
 "gregational decrees, (which were never re-
 "ceived nor acknowledged as legal and au-
 "thentical in France, from the bulls of his
 "Holiness as head of the Church. And this
 "speech was immediately confirmed and rati-
 "fied, by a judgment given by this renowned

" senate; and so the publication of the de-
 " cree was hindered and suppressed. There
 " was likewise in the year 1625, a seditious
 " book written by one Garasse a jesuit, but
 " bearing no name, entitled, *Admonitio ad*
 " *Regem*, secretly dispersed up and down in
 " this city, which was condemned by a general
 " synod of the clergy of this kingdom, then
 " assembled in this town, wherein the *indis-*
 " *pensable* duty and obedience of Catholic sub-
 " jects to an heretical, and even to a persecut-
 " ing king or state, was particularly declared
 " and avouched. You may see the words
 " themselves, page 12. *Quare id ipsum, &c.*
 " *Given at Paris in the general assembly of the*
 " *clergy, the 13th of December, 1625.* Where-
 " upon one *Sanctarellus* an Italian jesuit, was
 " caused to write a book in approbation of
 " the Pope's temporal authority to dispose
 " of kings and princes, and to absolve their
 " subjects from their obedience, which was
 " presently censured by our faculty of divi-
 " nity, and the affirmative doctrine of your
 " first article (which is your chief difficulty) and
 " other such like positions were *improved* and
 " *condemned as new, false, erroneous, contrary to*
 " *the word of God, &c.* *Given in the Sorbon*
 " *the 1st of April, 1626.* Hereupon four of
 the

" the most famous jesuits of France, then re-
 " siding superiors in their colleges here, were
 " sent to the parliament, and being demanded
 " their opinions in this point, they confirmed
 " and ratified this censure under their hands;
 " professing farther, that they did and would
 " consent to what the Sorbon had, or should
 " declare in this, or any other matter of doc-
 " trine. I could send you the particulars of
 " these, and many such like proceedings here,
 " being partly in print, partly upon public
 " record; but I conceive it needless, at least
 " for the present. However, the court of
 " Rome's pretensions to secular and temporal
 " power over kings and commonwealths, are
 " now grown out of date, nor was it ever
 " authorised, but by the execution of it. The
 " origin of the Pope's authority in temporal
 " affairs, is well known. The great piety and
 " respect to the See of Rome of divers ancient
 " emperors, kings, and princes, have made
 " them receive their crowns and diadems
 " from his sacred hands, and cast their swords
 " and sceptres at his faintly feet. Others have
 " made use of the Pope's swaying power, to set-
 " tle themselves in their usurped monarchies
 " and principedoms. Not any versed in ecclesia-
 " stical history, but knows the particulars of
 " these

" these truths. But to come back to your decree,
 " I perceive, that the authors of it looking
 " only upon the negative answers to the bare
 " articles, without the preface, or separated
 " instrument, whereunto you priests and re-
 " ligious did subscribe, (which was purposely
 " made to secure the lay-gentlemen, that sup-
 " posing they might enjoy the freedom of
 " their religion, they might lawfully renounce
 " the practice of these articles, which makes
 " the case far different both to the one and
 " the other,) they conceived you intended to
 " deny and destroy the probability of that
 " opinion, which they think it necessary for
 " their ends to maintain. And therefore to
 " keep their hold, and conserve their pre-
 " tended right, they framed this decree in
 " hugger-mugger, and kept it private. Their
 " chief motive is acknowledged in the decree
 " itself, *least it should be said hereafter, that*
 " *his Holiness did approve or connive at the*
 " *subscription of such articles, as were prejudicial*
 " *to his pontifical greatness.* The same was
 " also expressly intimated to the Pope's Nun-
 " cio here, it being signified unto him, there
 " should be no legal publication of it, no
 " more than there had been at Rome: nor
 " consequently sure did they intend it should
 " oblige

decree, "oblige. Nay, even they themselves would
 looking "esteem him a very fool, that would lose
 ne bare "his estate, or venture his life for the
 parated "maintenance of this opinion or decree.
 and re- "Your negative answers to these articles are
 rposely "to be understood according to your and the
 at sup- "proposers intentions; that is, to renounce
 dom of "the practise of them, and profess them to be
 nounce "no part of your faith and religion, which I
 makes "believe the very court of Rome doth not
 ne and "pretend, witness Cardinal Peron, who after
 ended to "he had often averred in his oration to the
 of that "nobles of France, in the year 1615, that
 fary for "the doctrine of the Pope's power to de-
 fore to "pose heretical kings, and absolve their sub-
 ir pre- "jects from their obedience, was only *probable*
 decree in "matical. And in particular, that the Catho-
 Their "lics of England were obliged to obey King
 decreed "James then reigning. In his other oration
 er, that "to the third state, (who urged and pressed to
 at the "have the contrary doctrine received, as a
 ejudicial "fundamental law of the kingdom, and as holy,
 ne was "true, and conformable to the word of God,)
 s Nun- "having used all possible arguments to dis-
 o, there "suade them from this design, and learnedly
 it, no "labouring to shew a greater probability for
 ne: no "the affirmative part; he concludes towards
 should "the end of his speech, *That the Pope doth tole-*
 oblige "rate

"rate and suffer the contrary opinion to be held,
 "it be only maintained as problematical in matters
 "of faith; that is, faith he, so it be not proposed
 "as necessary to faith, nor the opposite declared
 "contrary to the word of God, impious and de-
 "testable. Besides, this decree is given against
 "the negative subscribers to unpublished ar-
 "ticles, without any information or know-
 "ledge of the original instrument whereunto
 "you priests did subscribe, nay, without call-
 "ing any of you to account, but only in the
 "air against the negative subscription, sup-
 "posed to be done they know not where, nor
 "how, contrary to the ordinary forms of our
 "law and justice. But every man who hath
 "negotiated in the court of Rome can tell
 "you, that these congregational decrees are
 "generally made by a few cardinals and pre-
 "lates, who (to speak modestly) little know up-
 "on what grounds and principles the abstruse
 "sequels of faith are to be resolved. They
 "say in this, that they have consulted divines,
 "that is, perhaps some few foreign regulars,
 "whose interests lie wholly in that court, de-
 "pending immediately of it, and exempted by
 "his Holiness from the ordinary and divine
 "hierarchical government of the church; who
 "knowing nothing of the affairs, nor of the
 "circumstance

circumstance of the question, were not likely to deliver any other opinion than what their great patrons would have them. I wish with all my heart, that with the loss of my blood, I could blot out the belief of all experienced men, that nothing but interest and faction are prevalent in the court of Rome. It is now in every man's mouth that understands the affairs of the world, that they seek their own ends, not the public good. Finally, I remark, that they chiefly direct their decree to the superiors of their exempted emissaries, no mention made of the bishop or clergy, who are the only lawful and canonical publishers, (with the permission and consent of the state or civil magistrates,) of any true authentical spiritual command. Truly, if such a decree had been sent hither, and so illegally proclaimed, it would have been presently condemned to be burnt by the hands of the hangman. In a word, I see nothing capable to beget a scruple, nor that ought to hinder any Catholic from subscribing to the articles as you have done. Nor shall I easily persuade myself, that any wise and experienced man will shrink from so just an act. If your state, king, or parliament, will suffer and tolerate

" you

" you to live quietly under them, (which
 " wonder such able men should boggle at,)
 " shall quickly provide and help you with su
 " advice from the most learned and most vi
 " tuous divines of Europe, as will make yo
 " ecclesiastical government an example to a
 " other states and kingdoms your neighbour
 " And still conserving all due respect an
 " spiritual obedience to the see of Rome, yo
 " shall free yourselves from all unnecessar
 " and unfit dependance of the Roman cour
 " wherein I shall furnish you with the resolu
 " tions of such questions as will open the eye
 " of all your unexperienced and tender con
 " scienced countrymen, who have not ha
 " perhaps the means to discern and distinguish
 " their due and necessary obedience, from
 " superfluous and unjust obsequiousness: and
 " which shall withal make appear to all the chri
 " stian world, the now well near fourscore year
 " hard and unfatherly dealing of the court of
 " Rome over the poor persecuted and distres
 " sed Catholics of England. Let it therefore
 " be your constant endeavour, togive to the
 " king, state, or parliament, full satisfaction
 " and assurance of your fidelity to the civil
 " and political government of your kingdom,
 " whatsoever it shall be, which may most cer-
 " tainly

"tainly stand with the integrity of your religion and consciences. For the rest, fear nothing, trust to the justice of your cause, which you may assuredly believe will not want support. For my particular, according to my poor ability, you shall ever find me

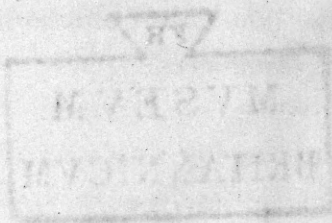
"Your most loving brother in Christ,

*From Paris, this }
2d of April, 1648. }*

"and obedient servant,

"T. H."

F I N I S.



G g

ERRATA.



E R R A T A.

- Page 4 line 7 for *further* read *farther*.
 — 19 Note, for *inopinatem* read *inopinatam*.
 — 33 Note, line 4 for *la* read *à*.
 — 49 Note, for *Launvy's* read *Launcy's*.
 — 50 line 10 for *cum* read *eum*.
 — 55 — 16 *quabiscumque* read *qualiscumque*.
 — 65 — 24 for *the* read *this*.
 — 85 — 7 omit *le*.
 — 96 — 4 omit *the*.

A P P E N D I X.

- 19 line 15 for *porur* read *pour*.
 — 19 — 16 for *foranies* read *foraines*.
 — 82 — 19 omit *is*.
 — 90 — 14 for *the* read *this*.
 — 91 — 5 for *embrasse,* read *embrassé*.

